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CALCUTTA REVIEW.

VOLUME CXXV.

January 1908.

... would add new lustre to learning can well confess the many profiting by those who, not contented with stale receipts, are ... and set forth new positions to the world; and there ... light and guiders of our feet, so long as in that respect they were not utterly to be cast away.—MILTON.

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Calcutta:

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THE CALCUTTA REVIEW.

No. 251 JANUARY 1908.

Art. I.—THE QUARTER.

THE history of the quarter is chiefly concerned with agitation, unrest, and downright sedition. These were most pronounced in Bengal, where in the early days of October the Vernacular Press, and platform demagogues, vied with each other in the noisome occupation of libelling the British Government, the wilder spirits calling upon the people to rise and push the *Feringhis* out of the country. They were encouraged thereto by the remarkable tolerance of the authorities and the mission of Mr. Keir Hardie, the labour M.P., who professed no end of sympathy with the Bengalee aspirations. On 2nd October riots broke out in Chitpur, in the northern part of the town of Calcutta, and continued for two days. An organised attack was made on the police by a crowd attending a meeting in Beadon Square, because a police note-taker was reporting a speech with the intention of using his notes as evidence of sedition in the subsequent prosecution of the speakers. Not much harm was done in the disorder which the police soon controlled, the loss of an arm by a European sergeant, named Walters, being the saddest part of the business. The Bengal Government, now thoroughly roused to the danger of the situation ordered an enquiry by Mr. Collin, the Commissioner of the Presidency Division, who was on the eve of going to England on leave. He soon disposed of the

The Chitpur Riots.

matter. He found that the riots were due to the licensed hooliganism of the native students, turned active politicians; that the police had behaved admirably; and the charges of *loot* and worse by the native constables were the exaggerations of a baffled and cowardly treason. Certain Bengalee so-called leaders, prominent among them being Babu Radha Charan Pal, the son of Kristodas Pal, who sits as a representative of the Calcutta Corporation in the Bengal Legislative Council, were loud in their denunciations of the partial and perfunctory character of the enquiry. They formed themselves into what they were pleased to calla People's Commission, which encouraged all and sundry to come forward to give evidence against the police. A portentous report was drawn up and circulated among the members of the British House of Commons. Sir Andrew Fraser, the Lieutenant-Governor of Bengal, censured Mr. Collin for haste and lack of judicial care and deliberation, and ordered a fresh enquiry by Mr. Donald Weston, who at one time had acted as Chief Presidency Magistrate of Calcutta. The enquiry extended over many days and a report was duly submitted to the Government of Bengal, which issued a resolution thereon in the last week of December. Sir Andrew Fraser with chilling politeness discredited the People's Commission. "It is impossible," he wrote, "for the Government to take official cognizance either of untested statements (made by witnesses against the police) or of the conclusions which the gentlemen before whom they were made thought fit to draw from them." His Honour agreed with Mr. Weston in generally acquitting the police of looting and maliciously ill-treating innocent persons from sheer vindictiveness. In the meantime one of the Presidency Magistrates issued an

ordinance closing the squares in the northern or Bengalee portion of Calcutta to public meetings. The ordinance remained in force for three months at the termination of which it had to be renewed in regard to the smaller squares in which the police found it impossible to control a political crowd still openly hostile. Several rioters were prosecuted and sentenced, by the police court stipendiaries, to various terms of imprisonment which did not err on the side of severity, but the miscreant who hacked off the hand of Sergeant Walters was tried at the Calcutta High Court Sessions in November and sentenced to seven years rigorous imprisonment.

The Seditious Meetings Bill.

The alarming state of the country and the boldness of the agitators determined the Government of India to introduce special legislation to withdraw the liberty of public speech whenever there was a danger of that liberty being abused to the danger of peace. Sir Lancelot Hare had asked for extra powers to deal with the sedition in Barisal, a notorious storm centre, and there were other satraps who would be glad of such weapons in cases of emergency. Sir Harvey Adamson introduced the Seditious Meetings Bill in the Imperial Legislative Council at Simla on 25th October. It was submitted to the criticism of a Special Committee which included Mr. Gokale, of Bombay and Dr. Rash Behary Ghose, of Calcutta, and passed into law on 1st November the anniversary of the Queen's proclamation of 1858. The two native members opposed its passage with great eloquence, but the Viceroy and his colleagues of the Executive Council were firm and carried with them the support of the whole country. In concluding his speech on the Bill Sir Harvey Adamson made this grave statement:

"I ask who is responsible for the enactment of this measure of repression. The honourable members who opposed the Bill will say that it is the act of the Government, but I assert most solemnly that they and the party whom they represent are responsible. They profess to abhor sedition, and they are never tired of saying that the party of sedition are few, and that they the Moderate Party, are many. What has the Moderate Party done to disavow sedition and to assist the Government of their country in this emergency? I must regretfully answer that they have done absolutely nothing. What has the Anglo-Vernacular Press done, the organs which reflect or ought to reflect the opinions of educated Indians? With a few honourable exceptions, their chief aim has been to distort the motives and acts of the Government. If the true leaders of educated India, men who have the views that are professed by the honourable members who oppose this Bill—they are many, though they are silent—would only have the courage of their opinions and take a firm stand against sedition, whether on the platform or in the Press, the day of sedition would be ended. Let educated Indians who can love their country and yet be loyal to its Government ponder over this. It is they and not the Government who have forged this fetter on the country. Let them even now set their faces against sedition, and against the wilful misconstruction of the motives and acts of Government; and within six months the Bill which we are now endeavouring to pass into law, will become a dead letter."

National Congress.

The effect of the Bill was instantaneous. Sedition disappeared underground. The Bengalee politicians took right at this mild form of coercion, and showed no

desire to further imitate the Irish Nationalists whom they had previously proclaimed as their models. They declined to go to jail so that Bengal might become a nation once again. Their mischievous activity was turned into another channel, and at the end of the year of grace 1907, the whole world was thrown into a convulsion of laughter at the absurd situation to which political agitation in India was reduced. The Moderates and Extremists who had made common cause as long as abuse of the Government was unattended by personal risk now began to fall out. The former wished to promote constitutional agitation, the latter would proceed to open rebellion. The split was widened by a curious dispute as to the place at which the annual session of the Indian National Congress should be held in December. The Extremists voted for Nagpur, where their party is strong, as in the days of the Mutiny. The Moderates took alarm and decided upon holding it at Surat. There was found another bone of contention. The Moderate party nominated Dr. Rash Behary Ghose, the well-known Bengalee jurist, to the presidency. The Extremists declined to have him at any price. They clamoured for Lala Lajpat Rai, who had been recalled from banishment as an act of clemency on the King's Birthday. When he refused the honour they put forward Bal Gungadhur Tilak, the notorious Maharatta Brahmin, who believes himself to be an avatar of Sivaji. The Congress assembled at Surat on 27th December. There were over sixteen hundred delegates present, among them a powerful minority of Extremists, These howled down Babu Surendra Nath Banerjee, who until recently was the idol of Bengal. A disgraceful *fracas* ensued and the President, Dr. Rash Behary Ghose, was obliged to suspend the 23rd Indian

National Congress *sine die*. The cleavage of the parties was thus completed and it will be interesting to watch events. The Moderates formed a convention at which it was decided to appoint a committee to formulate a constitution for the Congress. The Extremists as a counterblast appointed another committee to arrange to carry on the work of the Congress from the point reached at the Calcutta Congress in 1906, when Mr. Dadabhai Naorojee presided. The pithy comment of the London *Standard* is worth quoting, for it truly indexes the opinion of all Anglo-Indians and loyal natives "The events of Surat," says our contemporary, "will convince people that the Congress, when not actively mischievous, is the exact representation of what the Indian parliament would be, namely, a political bear garden."

Attempted Assassination.

The Christmas week was saddened by the perpetration of a dastardly outrage at Goalundo, the outcome of racial hatred. Mr. B. C. Allen, the Collector of Dacca, who had much to do with the suppression of the violence of Indian National Volunteers in his district, was shot on the night of the 23rd at the station, while talking to some native gentlemen who had come to see him off to Calcutta, whither he was proceeding *en route* to England. The assassin, who had used a revolver, escaped in the darkness. He was a young man, evidently a student and had two companions. Mr. Allen was brought down to Calcutta and taken to a private nursing home, where the bullet was extracted and he slowly recovered. The Government of Eastern Bengal and Assam offered a reward of Rs. 10,000 for the apprehension of the miscreant, but up to the time of going to press he has succeeded in eluding the vigilance of the police. The outrage is the worst that

has occurred in India since the murders of Mr. Rand, a civilian and Lieutenant Ayerst at Poona when the Maharatta Brahmins were on the eve of open rebellion.

The Decentralisation Commission.

Sir Henry W. Primrose, having, for reasons which were not made public, resigned the Chairmanship of the Royal Commission on Decentralisation in India, Mr. Hobhouse, the Under-Secretary of State for India was appointed in his place. The Commission assembled at Madras on 23rd November, and the Chairman made an opening speech which caused considerable fluttering in the official dovecotes. It was evident, he started by saying, that in the machinery of the administration in India there had collected a certain amount of grit which had thrown it out of gear. "It is our duty to point out where repairs are necessary or, if need be, where it would be advisable altogether to scrap an antiquated and therefore useless machine. By such means it may be possible to bring increased peace and contentment to the inhabitants of those provinces and give prolonged vitality to the instrument of Government." The Commission arrived in Calcutta in the last week of December, proceeding thence to Dacca.

Indian Railway Commission.

Much disappointment was felt in mercantile circles at the decision of the Secretary of State for India that it would be unnecessary for the Commission, appointed to consider the question of railway finance, to visit India Sir Walter Lawrence was appointed in October to be a member of the India Council, and as he is also an important member of the Railway Commission, some people believe that he persuaded Mr. Morley that a tour in India would be wholly superfluous. Be that as it may the disappointment of the commercial

community was profound and the Commission is likely to be thoroughly discredited.

Railway Strikes.

On 8th November a serious strike of the Locomotive and Traffic Departments took place on the East Indian Railway and for more than a week, Calcutta was literally isolated from the rest of India. The organising genius was a guard named Engelken, and as long as his counsels prevailed, the strikers showed an unbroken front. Trade was paralysed and the situation was becoming desperate. Mr. Dring, the Agent, adopted strong measures. He declined to consider the grievances of the strikers until they returned to work. Engelken was dismissed the service and this at first enraged the strikers. Later, however, the Locomotive Department gave way on the promise of Government to appoint a Conciliation Board on which the strikers would be represented. And so the matter stands at present.

Scarcity and Famine.

The failure of the autumnal rains ruined the *rabi* crops in the United Provinces, Orissa and parts of both Bengals. The distress was most acute in the United Provinces, where Sir John Hewett had to deal with a famine of serious dimensions. In the other parts of the country we have mentioned, the situation was not so alarming, but sufficiently grave to test all the resources of the District Officials.

The Viceroy's Tour.

H. E. Lord Minto toured in Burma during parts of November and December, returning to Calcutta on 22nd December. Burma welcomed him effusively and he brought away the pleasantest recollections of that picturesque country and its picturesque people.

PREFATORY NOTE.

THE following articles, written by the Count de Lesdain, describing the adventurous journey concluded in November 1905, by his wife and himself, should be of considerable interest to our readers. All rights of republication and translation are strictly reserved.

Art. II.—FROM PEKIN TO SIKHIM, THROUGH GOBI AND THIBET.

CHAPTER XI.

THE ROAD TO INDIA.

ON the other side of the pass we found to our surprise a long gentle slope, crossed here and there by rivulets. The bare ground near the top changed at the foot to a prairie of luxuriant grass. We reached it at six in the evening, after a march that our exhaustion had made slow and uncertain. We hoped to find wild yaks feeding in this abundant pasture, but we hoped in vain. There was no trace of game, and we had to march all through September and without any sustenance, still moving to the south-west.

The ease of the journey and our hopes of killing a yak enabled us to cover over twenty miles on this day. But we met with no luck, and again lay down famished. As this could not go on, and as I had noticed what I took to be sure proof that a herd of yaks was not far away I decided to encamp where we were for another day and to go out in search of them. I went down one of the many valleys where the tracks were numerous, and within two hundred yards saw a herd of thirty peacefully browsing. I was well within range, and brought down a big beast, while the rest fled. I brought my news back to camp and

put fresh life into all. The men, who were dozing for want of better occupation, sprang up, and four of them went off at once with their knives to cut the yak into beef steaks. Others broke up our last cases and made firewood of everything that was not absolutely necessary to our progress.

At last we could rest and eat a little, for I could allow one day for it. Many of the men were in a sad condition of exhaustion and despondency. Want of food and sleep during the last few days had made things worse. But one day's rest was not much. It would have taken a week or two to rest them thoroughly and we could not spare the time.

I knew we must be approaching the first Thibetan settlements north of the lakes, and I was afraid that the authorities at Lhasa who were at present uninformed of our journey would hear of it and stop it if I did not press on south at once, as they had stopped all previous explorers in Thibet and Central Asia.

For two days we travelled south, following a river which I hoped would flow into one of the great central lakes. Its winding course made us cover about twice the distance that we should have had to traverse had we gone straight.

Traces of life appeared more and more often. We came across freshly marked tracks and the *débris* left by caravans. Once we even found on the site of a camp a kind of oven hastily constructed with square blocks of baked clay in which a fire had been recently burning, for the wind had not yet entirely scattered the ashes. Our ears were soon greeted by loud barking and several large Thibetan mastiffs rushed towards the caravan from behind a hillock on which some tame yaks and ponies were feeding. The noise made by the dogs drew the attention of their owners. They emerged one by one from

a black tent made of yak's hide and slowly approached us. One of them, a lama, spoke a few words in Chinese to us and seemed satisfied with our reply. We told him we were merchants on our way to India. Unfortunately we had lost nearly all our baggage in the mud and were now reduced to great poverty. He offered us milk and butter, and, as we had long been deprived of these luxuries, we did not examine them too closely to see what foreign ingredients they might contain. These people were as peaceful and amicable as could be, and it looked well for the future. The Lhasa authorities had evidently issued no orders about us, and our friends saw nothing out of the way about our arrival, though they were surprised that we had not followed some usual caravan route. We explained this as well as we could by professing to have lost our way.

But towards evening three men, among them the lama in his yellow robe, saddled their ponies and rode off at a moderate pace southward. They evidently proposed to discharge their duty as sentinels by warning the soldiers of our arrival. These latter were posted near the lake Nam tso nak, which, according to our new neighbours, was very close.

Nothing happened that night, but I kept watch. I feared that some of our animals might be stolen under cover of the darkness. Poor and exhausted as they were, we could not have progressed without them.

Early next morning we left the little Tibetan camp and continued without any opposition to follow the winding course of the river. It was a hard day, for a drenching rain fell, and we often had to cross the stream. The water varied in depth from three to four feet, and our condition by evening can be imagined. The rain and the river had soaked us through, and the temperature was very little above freezing point.

I had not the slightest idea where we were, for one could see nothing through the rain, but I noticed that the valley had become a little wider.

I was wakened in the morning by the clatter of many horses, apparently ridden hard, and rushing out I saw ten Thibetan soldiers, who had dismounted from their shaggy aud wild steeds and were advancing towards the tent with their long rifles on their shoulders or under their arms. Of course none of our people were on the look out, and my first act was to kick some of them awake. But for my own anxiety I should have laughed at the expression on their faces when they saw the armed Thibetans.

I admit I thought at first that our march would be arrested, and I contemplated with horror a journey to Kashmir from where we were, considering our exhausted condition.

But the soldiers on reaching the tent saluted us amicably. One of them spoke Chinese, and an animated conversation ensued, for a Thibetan in addressing a stranger thinks it necessary to use many gestures and much explanation. At first we were bombarded with questions as to who we were, where we had come from, and where we were going to. I replied in a fashion that satisfied everybody, and then put some questions myself. I found that our visitors were under the orders of a petty chief whose business it was to watch the pass through which we had come into the great lake district. As we were merchants he had no desire to stop us, and after an hour's conversation he wished us a pleasant journey. Before leaving he sold us a pound of flour for a tael, an exorbitant price in Thibet. But then every-body must live!

I started again with a light heart. Lhasa did not oppose us, and probably knew nothing about us. I congratulated myself once more on having obtained passports for Chinese Turkestan at Pekin, and on not having breathed a word about my intention of entering the forbidden precincts of Thibet. The soldiers and their chief evidently had no suspicion and would not send a special message to Lhasa about us. By moving quickly we should probably cross the dangerous part before any orders could be issued to stop us. My expectations were justified by the event.

The district of Nam tso nak which we had now entered was very different to the country of rocks and valleys that we had just passed through. A green plain stretched as far as we could see covered with flocks, and horsemen and tents were everywhere. From the tents rose little columns of smoke. The general impression of life and comparative wealth was a great relief after the absolutely deserted regions we had travelled through, meeting only one pilgrim caravan and the yak hunters. During the day we counted sixty black tents, scattered about, sometimes together but generally at long intervals. Thibetan society evidently tends to the formation of little groups consisting each of one family rather than to larger gatherings.

The Chinese call these Thibetans "the black tents," because of the unvarying colour of their dwellings. They have the reputation of being extremely savage, and of pitilessly attacking travellers. We were lucky enough to have no trouble with them. On the contrary we were always well received and bowed to when we passed a tent without entering it. Only once did we excite the anger of an old lama, by taking the caravan past ground where his flock was folded for the night.

This is a serious affront to their superstition, and we were very careful not to do it again. Occasionally riders galloped up to us from neighbouring tents and followed us for some miles, with no show of hostility, only with the natural curiosity that a passing caravan excites in these big children.

During two days' march we were still in sight of Nam tso nak, though leaving it on our left, and towards evening on the second day we got into a mountainous region. This seemed due to a meeting of several small chains and was quite different from the long and wide regular chains that we met with later.

A strange phenomenon was observed here by many of my men. Their feet and legs were swollen and hard and, so far as the natural Chinese tint allowed, red. This peculiar trouble lasted about two days without otherwise affecting the persons seized with it. At first I thought it due to the height, but I gave up this idea on reflecting that we had been much higher, without any one suffering in this way. It was probably blood poisoning, due to the sting of some insects, but the inhabitants when consulted did not seem to have seen similar cases. What struck me most was that the swellings gave no pain and did not interfere with marching.

On September 8th we reached lake Pou tso. Its neighbourhood is fairly populous, not so much so as that of Nam tso nak. Here we held amicable converse with several Thibetans who showed no surprise at the sight of a sextant and an artificial horizon.

One of them even said that he had been present at the taking of a latitude by a European who had been stopped by the Thibetan authorities a little to the south of where we were. From this man's account the traveller must have been Dr. Sven Hedin. From this affable

Thibetan we bought two pounds of butter and two sheep for some thirteen yards of Chinese linen of which I still possess a little. It was common blue "pou", but in Thibet the cheapest stuff is valuable, owing to the paucity of communication.

All this portion of Thibet is well populated and very fertile, at least as regards pasturage. It is not cultivated, the only occupation of the inhabitants being the raising of cattle. The temperature was cold at night, but pleasant enough by day when the rain stopped and this was due to the fact that we had come down about 2,500 feet. We were now in the temperate zone of the Thibetan plateau.

On September 9th we bade a heated farewell to the Thibetans, whose anxiety to help in our packing and the loading of our mules had given them the opportunity of stealing several little things. We hoisted Siao Tchang on to our last camel. His condition of exhaustion was growing hourly worse in spite of all care and medicine.

Going straight south we surmounted a couple of crests and crossed the valley in which Sven Hedin was stopped and detained more or less as a prisoner for some days. There must be a small permanent police post here, for two soldiers came up to us wearing the Thibetan head-dress so like the pointed cap of the mediæval alchemist.

They put some questions to us, and readily let us proceed when they saw that we were not, like the great explorer, going towards Lhasa. This was great good luck, and now I had no doubt that we should soon be looking down upon the plains of India. But we had many miles to cover yet, and the neighbourhood of the Tengri nor had an ill repute. The Prince of Orleans and Littledale were stopped there. Having come out of a labyrinth

of small hills which gave us much trouble and made us continually retrace our steps with no small irritation we saw the blue surface of the little lake To ko tso gleaning in front of us. It is a pretty sheet of water, like the Swiss lakes. There is a rocky island in it on which hundreds of white gulls alight.

In spite of the suggestions of the maps I do not believe that there is any connection between the To ko tso and the Pam tso, the latter lying to the south and about ninety feet lower.

The Pam tso is a much larger lake than the To ko tso, but is evidently disappearing, as is proved by the old water marks which are very clear upon its banks. The two lakes must have been connected once where they are now separated by a low ridge. The water of both is salt, but a boiling spring of fresh water gushes from a rock which stands in the Pam tso near its north-western shore.

The Pam tso is surrounded by high mountains. There is little pasturage near it, and this, with the scarcity of fresh water, accounts for the fact that Thibetans are rarely met with near it.

We encamped, however, close to a small fort in which two Thibetans dwelt by themselves. They asked us in Chinese, without leaving their post, whether we were followers of the grand lama of Sining, who had passed along the caravan road a few days before. When we said yes they wished us good luck and retired to their den.

A sad incident now cast a gloom over our successful march. Siao Tchang was found dead and already cold at eleven o'clock at night by one of the men, who on getting up to leave the tent stumbled over his body. He called me and I came and certified that the poor fellow had died from some kind of heart disease. The caravan

drivers gradually collected in a sympathetic group, but no one would touch the body, and I had to wrap it in a sort of winding sheet myself and use great severity of speech to induce his companions to lift the dead man and carry him a furlong away to a specially wild and rocky spot. Here I hoped the Thibetans would not notice the recently disturbed ground and that the grave would not be rifled with a view to the theft of rings or clothing, a feat they are only too ready to perform if they get the chance.

For several hours we dug the grave. It was very difficult, for the ground was frozen, and we did not wish to attract the attention of the Thibetans. Towards three o'clock in the morning, however, all was done, and Siao Tchang was laid to rest very far from his native country Leantchou.

During the few months that he had been with us Siao Tchang had borne a very bad character. He lied and stole with wonderful perseverance, in spite of the punishment with which his offences were always visited. I had often wished to dismiss him while we were still near Leantchou, but the other drivers had pleaded so hard for him that I had given way. I was further induced to keep him by his production of a letter of recommendation from a missionary. I could hardly believe that it had been given simply to get rid of him, yet such was the case. His was the second death, and it demoralised the rest if possible still more than before, for I had to raise my revolver threateningly on the next day to force them to start.

All day long the men did not interchange a word. They did their work with one eye fixed on me, to seize any chance of slipping behind a rock and going to sleep, or dying of hunger, which seemed to them a

more enviable lot than that which awaited them if they followed me.

For two days after passing the Pam tso we moved south south-west in a direction which, if my calculation was correct, would bring us to the middle of the northern bank of the great lake. We moved at an easy pace of a little over two miles an hour. The sad state of our mules made several halts necessary. The country was more and more frequently cut up by small marshes near which were great stretches of grass on which large flocks fed. Although we often passed only a few yards from an inhabited tent nobody showed the slightest surprise at the sight of our little band, or asked us any questions. On 13th September at nightfall we saw the Tengri nor stretching in all its magnificence before us. It was a noble sight. The great mountain chains, a hundred miles long and always ice bound, rose behind its waste of deep blue waters. The highest peaks were reflected in the calm transparent lake, the topmost being not less than 25,000 feet high. These measureless heights form a more imposing framework than any Swiss lake can boast of. Perhaps in another fifty years tourists will come from India and the heat to refresh themselves by the Tengri nor. The world changes so quickly now-a-days that such a development would scarcely astonish one But the altitude of 16,000 feet, which many people cannot endure, will always make against it as a health resort. The country on the south of the Tengri nor is full of life. There are large collections of tents gathered round small temples in which lamas burn incense night and day. It was strange to smell this scent after our long days in an atmosphere untroubled by any odour of human production.

The plant from which this incense is extracted grows abundantly on the banks of the lake, and the sale of it is

one of the only industries. It sheds a peculiar perfume and rises to the height of a small bush. For two days I had to let the caravan rest. Men and animals were equally exhausted, and though my wife set them a gallant example of courage and endurance I did not desire to overtax her strength. Moreover these days were quiet and peaceful. Some Thibetans came to see us and sold us some sheep. They gave us all the information we wanted about the country, and no Lhasa soldier showed his peaked cap.

One of the mistakes on the maps which mark the Tengri nor is to place a group of islands towards the north-west. As we went along we could make certain that these islands do not exist. But there is a thin tongue of earth consisting of a group of rocks with the land rising so little above the surface that at a short distance it is invisible.

It was not easy to go round the lake from the middle of its northern side to its south-western end. The ground was firm enough and the pasturage excellent, but we had to cross several rivers which flow into the lake, and whose beds were often muddy and sometimes quicksands. One in particular ran over white limestone sand from which we had great trouble in extricating our beasts which were now too weak to compass such difficulties without assistance.

September 17th was a day full of incident. We had left the Tengri nor in the morning and begun a march almost due south across a series of valleys and hills, in regular lines but so close together that one could not see more than a few furlongs either way. This assisted the laziness of the men who tried more than once to slip out of sight. One of them, Hin, showed real ability in escaping my watchful eye. Towards noon having ordered

a few minutes halt, I saw Hin stretch himself out and begin to sleep. When the caravan started again he took a few steps and then began to limp. He came and asked me for a few minutes in which to fix a boot which was hurting his foot. I gave him leave and waited patiently, amused at his calling the rag that swathed his foot a boot. But as time went on my patience went with it and I ordered an advance, leaving him behind. He was to follow at once. We saw him no more. Shi-shi, our faithful watch-dog, was with him, and when towards evening he was still absent I am afraid I regretted the loss of the dog most. She had often warned us of danger while the men slept; and we could not do without her in this populous part. Shortly after Hin's disappearance another man, Tchrung, stayed behind, ostensibly to look after a mule which had fallen exhausted and which he was very fond of. While I went back as quickly as possible to bid Tchrung follow at once, a cousin of his with another driver named Tatchrung, a fairly bad character, left the front of the caravan in spite of my wife's order and undertook to look for the missing man. Of course they lost their way, since all the hills were just alike. So that when I came up again tired out I found only three men. The situation was not pleasant, seeing that the mule by which Tchrung had stopped carried the cartridges and what remained of our silver taels. Having found Tchrung and forced him to resume his march I had been obliged to leave him behind again for my presence was required in front of the caravan. His promises to come quickly seemed so genuine that I had left with him the precious cartridges and the still more precious taels.

If the Thibetans had attacked us on that night we should have vanished from this world without being

able to offer the least resistance, and the thought of it was enough to keep me awake all night.

As soon as the sun had risen I went out to look for the missing men. I hoped that having spent an icy night in the open without food, and exposed to the attacks of wolves and bears, they had learnt their lesson, and when I saw them with downcast faces and outspread hands begging pardon, I felt certain that at any rate for some months they would have no more ideas of suicide or voluntary starvation.

There was still no sign of Hin.

I waited all day on the 18th for him, but the poor fool never arrived and I was obliged to leave him to his fate. If I had decided to go back and find him the caravan would have mutinied.

On the next day we had to cross frozen passes in a heavy fall of snow, so that the arrival of Shi-shi in the middle of the afternoon was the more miraculous. We suddenly heard a joyous bark, and immediately afterwards our good little dog was among us, unable to express her pleasure sufficiently. It was a wonderful feat to follow us through the snow and over the streams, but she had often already shown exceptional sagacity. Round her neck was a bit of the rope that she had bitten through and this confirmed my worst fears about Hin. He must have died of cold in the night. Shi-shi had thus freed herself and come up with us. Exhaustion had now claimed three victims, and it was time to reach our goal.

But we were still ten days' march from the Brahmaputra, the great artery of Southern Thibet. Judging from the general appearance of the country and the information of the inhabitants we could not take a straight line for the great river especially in our exhausted state.

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Mountainous regions very intricate and difficult offered an insuperable obstacle, and so I decided to follow the first stream that seemed to flow towards the Brahmaputra.

So we went for several days down a continually widening river called the Kang Chu, along whose banks little by little civilization began to appear. The tents were larger, the people seemed more wealthy, the women's dress was more ornamented, and several wore jewels. But their greater prosperity did not make them more friendly. One day, wishing to buy a horse, I approached a tent. All its inhabitants fled in terror to the mountains. I went into it and found an old blind woman alone in a corner. I took all we wanted, and left a silver shoe on the threshold in full view. Another day we were stopped by a little group of mounted men, a sergeant and three soldiers, who assured us that we could not go on down that river for the way was blocked by a precipitous rock. He very kindly offered to bring us some tame yaks next day, with which to cross the river which was now fairly deep. We took his advice and had to admit later that he was right.

Here and there were shrubs, sometimes several feet high, and we were surprised and delighted. Herds of tame yaks abounded, white, black, and grey, going down our way, loaded with butter and dried meat. Only very few people spoke to us, and the further we advanced the more it seemed to us that we were looked upon with suspicion if not with hostility. We were approaching the district which had felt the effects of the English expedition to Lhasa, and our presence as Europeans was noted and resented much more keenly than in the central lake country.

However nothing important occurred till we reached the fort of Namling, rising in its might and sanctity on

the summit of a hill in the shape of a truncated cone. Under the shelter of its grey stone walls a monastery containing three hundred Thibetan monks dominates the town proper, whose population amounts to nearly one thousand. To get to it we had had to make use of a bridge made of large iron rings stretched between two small towers and bound together underneath with strips of yak's hide, on which wooden planks were loosely fitted. To cross this required great care and indeed some courage, for in the middle of the transit of this antique suspension bridge the chains began to swing from side to side and up and down, producing a feeling of insecurity which was increased by the sight of the river rushing below. As soon as we had set our tents up the lamas ordered all the people to shut their doors in our faces and refuse to sell us anything whatever. As we were very hungry I thought it best to supply ourselves with food without heeding the veto of the lamas. I accordingly fired on a flock of sheep, and killed three. A little later as we were beginning to feast on mutton and buttered cake, a deputation of lamas appeared offering us eggs and chickens. My shots had been most efficacious.

Namling lies in a bend of the river, and for long distances up and down one can see the old Thibetan forts, very like the castles on the Rhine. Perched on almost inaccessible rocks they speak well for the skill of their builders and for the fighting spirit of former days.

Namling is one of the strongest forts north of the Brahmaputra. The English expedition did not visit it.

The friendly if compulsory visit of the lamas resulted in the gathering of the whole population at our tents, and we were soon surrounded by hundreds of

persons. The women were naturally the boldest and most curious. They wore very clean clothes and pretty jewellery. Having left the tent for a moment to give some orders I found three of them on my return investigating the contents of my bag, which were now reduced to the smallest dimensions.

To crown all a troop of jugglers arrived and went through their programme, and we fell asleep with the sound of their sonorous and monotonous drums still in our ears.

From Namling to the Brahmaputra the journey was easy, for I had bought some tame yaks at Namling, and our poor remaining three mules could rest a-last. We crossed the river in square boats made of yak hide stretched over a framework of wood. It was the most dangerous craft conceivable, and I do not understand yet how we induced our last and only camel to enter it and stay in it. I proposed to offer this animal to the Calcutta Zoological Gardens as a product of the north. The yaks also were difficult to manage. The boatmen had tied them all to the back of one of the boats and as soon as they started swimming each chose a different direction, so that the embarkation amid all these distractions nearly came to grief. In the evening we encamped near Shigatze, and four days later we saluted the English flag flying at Gyantze.

I will not say much about this portion of Thibet. Excellent books have described the fertile fields, stone houses, and general customs of this country very completely. Since the Thibetan expedition the south of the Brahmaputra is well known, except for that portion of its course which is intercepted by rapids, and another portion to the north-west of the point where it crosses the Indian frontier.

The general aspect of the country is quite different to that of the northern part. Relative cultivation and wealth have worked great changes. Thibet, the real Thibet, the Thibet of adventurous explorers, lies to the north, as completely ice bound and desolate as Southern Thibet is smiling and attractive. At Gyantze Captain O'Connor, the Political Agent who remained there after the expedition, entertained us most kindly for several days, and, when we had received permission from the Government of India to proceed south, we came into Sikhim and became the guests of Mr. Claude White, the Political Agent there. Here we enjoyed the greatest hospitality amid the lovely flowery scenery of Sikhim and we spent some days at Gantok in infinite peace, with the pleasant feeling of having succeeded at all points in our long and dangerous journey, of having for the first time crossed Thibet from north to south, and of having entered India from China, while all others who had attempted to execute the journey had met with pitiable failure.

LESDAIN.

Art. III.—SOME FAMOUS WOMEN OF INDIA.

THE task of presenting a picture gallery of famous Indian women to Anglo-Indian society is not divested of its difficulty by the privilege and pleasure lurking in its folds. The difficulty arises from the distance which separates British from Indian ideals of womanhood, ideals wrought out under separatist influences. The unity of the human race doubtless provides a meeting place on which sympathetic natures may find compensation in certain bed-rock affinities for many of the more superficial antagonisms. But is it not a melancholy truth that there are great gulfs, over which individuals may call to one another, and which rare personal enterprise may sometimes bridge, but which Indian and Anglo-Indian societies have for the most part labelled "impassable," and may continue so to regard, until some great soul harmony unifies all mankind?

My object in approaching my subject in this particular vein of thought is not to steal a religious march on any one in a secular study. It is a purely scientific one. It is to postulate a differentiation which certain radical distinctions have created between dissimilar types of human institutions, and to recognise that men and women of one system naturally judge those of another in the light of their own prepossessions, rather than on their merits. These may depend on heredity and environment as well as on the subtle moral and social influences which human beings breathe in from their surroundings and exhale into their respective societies—a reaction which analytic science has still left more or less undefined.

For those of us who have studied Indian history and fairly translated Indian habits and moods into our own language, historical Indian womanhood stands on an emotional and intellectual plane to which European history and European society, at any rate of the Christian centuries, furnish no parallel. Differences between ancient and modern Indian society are not overlooked in this suggestion. The differences discoverable, however, between Indian womanhood of the present and of the past, great as they may be or seem, are rarely essential and are slight when contrasted with those which separate all Indian from all British womankind.

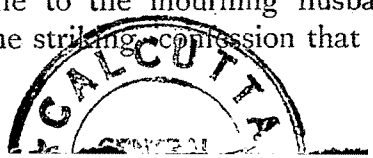
So approaching our study of some famous Indian women—a study which must of necessity on this occasion, be hurried and brief—some of us, who may begin with the languid interest sometimes considered the proper mental attitude of cultivated society towards most things Indian, may end with a new insight into one or two of these things, and possibly also a different estimate of the people of this "land of regrets" and surprises.

Sita.

I. My first picture is that of *Sita*, only daughter of *Jan aka* king of *Mithila*, who became wife of *Rama*. It may seem to be passing from the region of history to the realms of superstition to begin this appeal to sympathy with a being whose very existence is denied or doubted by some scholiasts, and of whom others say that, even though she once existed, yet, after we have torn away all that imagination has woven round her, little that is human or historical remains attached to the skeleton to engage serious thought, or arouse regard. It is not so, however, that European scholars and poets have treated the heroines of Greek legends and Roman myths. Surely, wherever a lofty ideal has been set up

anywhere, after which some seemingly earnest and sincere individuals of any race strive, we have, in all such ideals, moral legacies, which it is the common privilege of the human race to cherish, as eloquent hints of a super human origin. Is it not in isolated human creatures or creations that we find our common human nature harking back to some higher source, like water seeking its own level? feeling, after it that haply we may find it? The mystic birth of *Sita*, named after the furrow where her father found her, and the popular belief that *Rama* is an incarnation of *Vishnu*, may conspire to place the early life of both in the same category with the nourishment of Romulus and Remus by a wolf. But no violence is done to the historical instinct in accepting the main incidents of these two lives, when sheared of their mythical fringes, as furnishing either high human examples or else ennobling ideals that are worth preserving. *Rama*, son of *Dasaratha*, king of *Ajudhya*, won his bride by one of those feats of prowess performed at a tournament, which have made the folk lore of the whole Indo-Germanic world kin. I should not stake much on the future of the British boy, whose pulse did not quicken to any one of these stirring stories. After his return home with his beautiful bride, *Rama* became the victim of a conspiracy set on foot by one of the queen mothers of the court, who sought to place her own son on the throne. The romance of *Rama* and *Sita*—or of *Sita Rama* as Hindus, with a lingering belief in the precedence of women, still sing it—began with *Rama's* voluntary exile, on which he determined, rather than plunge his country into a bloody civil war. The standard of duty here presented to us is not at all lower than that inculcated in an elaborate Peace Conference broached as a prelude to a sanguinary war. At

any rate, the model of self-abnegation set forth here, whether fiction or fact, seems of a piece, different only in degree but identical in kind, with the self-sacrifice which is the central principle of the highest moral codes. The loving pair wandered about from place to place, fulfilling their religious duties daily, and, in particular crises, addressing each other in language of ineffable tenderness and purity, which the *Ramayana* has consecrated for poets of all ages and races, and which Griffiths, in his incomparable translation, has placed within the reach of all readers of English. In the course of travel, *Sita* became the object of a violent passion in the breast of *Ravana*, king of *Lanka*, who carried her off and kept her in a fast fortress; whence, after many and weary months, she was released by her husband. He was helped by *Hununan*, mythically known as the monkey-king, but historically co-ordinated with a ruler of aboriginal tribes whose ugliness suggested this antonomasia. Some of the most touching numbers of the *Ramayana* deal with *Rama's* refusal to acknowledge his wife, after her rescue, on the delicate ground that she could not have remained immaculate in thought while she was the object of *Ravana's* perplexing attentions; and *Sita's* determination to immolate herself on the funeral pyre because—mark the metaphysical refinement of the conception—his ideal wife had died out of the heart of her husband. Here fiction steps in to spice a good story for the Indian appetite and spoil it for the European mind. *Agni*, the fire-goddess, becomes a harmless golden flame on the pyre, recalling the furnace of Nebuchadnezzar, whose scorching tongues had no power over their victims to do them harm. Restoring the true wife to the mourning husband, *Agni* wrests from him the striking confession that he had subjected



his beloved to a cruel ordeal, less to remove doubts of his own, than to destroy cruel suspicions in the mind of the scoffing world of his day—so like our own! The passionate enthusiasm with which the most moving passages in this romance are still sung, as they have been sung for untold generations by Indian bards, may surely be accepted as at least the intermittent yearnings of wandering souls after a cherished standard of domestic purity as high as any conceived by men.

I must plead for pardon for this lengthy lingering over my first picture—both because of its beauty, to which I have done scant justice, and because of its place in the evolution of Indian thought.

Sanjogta.

II. My second picture is that of *Sanjogta*, princess of *Kanauj*, the lesson of whose story seems to be that she was inspired by an ideal of womanly devotion which, though it does not conform to the higher standards set up, if not always followed, in our own double-minded times, at any rate demands discrimination. Daughter of *Jaychand*, king of *Kanauj*, who, at the close of the twelfth century, shared with *Pithaura* of Delhi, the fame of being the two greatest of the four great sovereigns of Hindustan, her father designed her for a different fate from that which she chose for herself. *Jaychand* had dreamed of making himself emperor of Hindustan. As, in the Hindu world, every important ceremonial must be primarily religious, *Jaychand's* empire-making began with the *Raja Suyia* ritual. That consisted in an extensive feeding of Brahmans, punctuated with an allotment of each one of the many domestic offices in royal house-holds, ordinarily entrusted to a menial, to one of the consenting vassal kings. *Pithaura* of Delhi, having refused to join in this glorification of his rival at his own

expense, a golden image of him was made to do duty for him as a *darwan*. Angered by this insult, *Pithaura*, accompanied by a hundred of his braves in disguise, made his way to *Kanauj*, and forcibly took away the image which had dishonoured him. His valour so impressed *Sanjogta* that, almost like one of George Macdonald's heroines who throw themselves into hesitating lovers' arms as a protest against the initiative monopolised by men, she offered herself to her hero. He, nothing unwilling, snatched her from the "impregnable fortress" in which, shocked at her perversity, her father had imprisoned her, and bore her home, paying a heavy toll in the lives of most of his courageous band. *Pithaura* married his hardly won bride with great *èclat*, but did not live happily ever after; for though the honeymoon lasted out their lives, the period was one of a blood-red moon, whose lurid beams died out in a blackness of darkness. It is the misfortune of such short summaries as this one that it is possible only to hint at traits of character and features of conduct which have taxed the imagination and exhausted the eloquence of poets and historians of a bygone age. It had been easy to linger within all the available space over the incidents of *Sanjogta's* life—if only to explain how her conduct led to the Mohamadan invasion of India on the one hand, and on the other, placed Indian womanhood on a pinnacle of its own. If *Sanjogta's* advances to a prince of whose claims to respect she had no other evidence than his courage, and to whom she sacrificed both her father and her country, present us with one of those tangents of oriental caprice, which fly off unexpectedly from all recognised circles of propriety, not only does her insistence on her own right of choice in the biggest crisis of life bespeak for her an

amount and kind of freedom, which may still be coveted in this and other lands, but any outrage on conventionalities involved in her conduct was atoned for by her utter devotion to the husband of her choosing, and the inspiration which her counsels brought him, when, surrounded by foes and enveloped in disasters, he went down fighting for his life and the freedom of his country. And does the picture of potential Indian womanhood which she presents to modern Indian society, with the inmates of some of its zenanas trembling on the threshold of emancipation, contain no suggestion of any wiser compromise between individual freedom and personal duty than that of this original heroine of other days?

Rezia.

III. My next portrait is that of Saltana *Rezia*, daughter of *Altamish*, who, sold as a slave by his jealous princely brothers, like another Joseph, overcame misfortune after misfortune by persistent personal uprightness; uninspired, so far as we know, by premonitory dreams. He finally ascended the throne of Delhi by marrying the daughter of the famous *Kutab*, whose service he had entered as an amateur counsellor. Of such men, one wonders, in these days of competitive examinations tempered by judicious selection, whether they were discovered for their offices or their offices were invented for them, until some belief in over-ruling destiny breaks in on our theories with its eloquent and impressive facts, and teaches us to be still, and know. *Rezia* was not only beautiful in face and form, but also in mind, and highly educated—as education went in those days; and it is not quite certain, as judged "by results," that it did not go further than it has been carried by some of our modern syllabuses and codes, since it fitted her for her work in life. Some of the sentences carved

on the *Kutab Minar* are said to have been composed by the *Sa'ltana*—an hypothesis which, if true, may be said to settle, for all time, the intellectual equality of women with men; for these sentences not only have the rare quality of exquisite expression, but display the rarer gift of original and elevating thought. When *Altamish* left Delhi in 1226 with a vast army for the conquest of some corners of Hindustan which had not yielded to his sway, he installed *Rezia* as his vice-regent after issuing this remarkable rescript:—"Know that the burden of power, too heavy for my sons, though there were twenty of them, is not so for the delicate *Rezia*. She has in her more spirit than them all." For such a "rose of the rosebud garden of girls" to have blossomed forth out of the conditions of Moslem society in India in 1226, is not only a tribute to some inspiring or at least uplifting influence in the atmosphere of that day, however clouded it may have otherwise been, but also an epitaph of eclipsed glories for which we may still sigh with the help of the profound prescription that "whatever human nature has been or done before human nature may be and do once more." *Rezia's* claim to the throne on her father's death was disputed by her vicious brother *Feroz*, but was established after protracted warfare and heavy slaughter. By one of those strange caprices which so often dismay all lovers of their kind, *Rezia* blotted out some of the brightest memories of her great life by falling in love with the Abyssinian master of her horse, whose muscular Mohamadanism, if I may coin the phrase, atoned to her infatuation for his unworthiness. This strange episode possibly suggested a parallel in one of the most repulsive tales of the *Bagh-o-Bahar*. Be that as it may, *Rezia's* own death knell was virtually sounded in the overthrow and murder o

this man; for although the general, to whom she was entrusted as a prisoner, became her captive with a change of chains, and actually married her, he only temporarily averted the fate which finally overtook her in her defeat and death. Executed as a martyr to female freedom which had foolishly wandered into license, it is possible to brand the folly which died in infamy without forgetting the balance of good in a brilliant character.

Ganor.

IV. My fourth picture is of the nameless Hindu Queen of *Ganor*, mentioned in Todd's Annals of Rajasthan; who, after losing all her outlying fortresses, was driven by her Mohamadan victor to her last stronghold on the Narbadda. Here she was sued in an unexpected way by her pursuing conqueror, who suddenly formed the business-like plan of preventing further bloodshed by offering marriage to his hunted enemy. The vanquished Queen ostensibly accepted the doubtful honour, and gifted her bridegroom with a resplendent tunic, which possessed the disadvantage of being poisoned. The marriage rites having been celebrated with great pomp, the Queen calmly informed her nominal husband of his impending doom. That rapidly overtook him, and he died in an agony of torture, while the Queen sprang over the battlements of her fort into the flood beneath and perished in a halo of darkened glory recalling a Rembrandt masterpiece. An Anglo-Indian poetess has vied with Hindu bards in perpetuating her memory. Miss Mary Leslie, who died in Barrackpore only in June last after a long life of unostentatious benevolence, sings thus:—

> Still the swift Narbadda river
> Flows into the blue sea ever,
> And it bears her on its waters, gliding past each wooded shore

With the bridal raiment round her
And the rubied crown which bound her—
Fairest of all India's daughters, Queen heroic of Ganor.

To minds nurtured in Christian tradition the poetic beauty of this blighted life may not perhaps at once be apparent. But for all who can understand the redeeming influence of motive, the saving grace of fidelity to a wrong ideal in even the cruel rite of *satti*—for which no single syllable of apology is offered in this appreciation of one of its illustrations—in a Hindu widow, who preferred death by drowning to what she rightly conceived to be a degradation, the true inwardness of a self-sacrifice, which certainly represented devotion to principle and integrity of conscience, ought not to be altogether imperceptible. Women who endure cruelties are separated by the whole heaven from men who impose them. From the tangled drama of human struggle with overwhelming surroundings, stolen glimpses of motive sometimes come as lightning flashes of revelation to rescue men and women like ourselves from indiscriminate or pharisaical condemnation.

Rupnagar.

V. It must have struck students of Indian history that, not wholly unlike the annals of European states before the seventeenth century, the chronicles of Indian sovereignties generally are mostly records of courts and camps, in which a few central figures absorb all interest and attention, while the millioned masses move around them in comparative obscurity, living in myriads to contribute to their glory and dying by thousands to very little better purpose!

The romance of the *Princess of Rupnagar*, wife of the *Rana Raj Singh* of Meywar, furnishes a happy exception to this sad rule. When *Auranzeb*, in pursuance

of his policy of conciliating Rajput and Mahratta chiefs by converting princesses of their households into his wives, sought the hand of *Rupnagar's* daughter, the indignant woman, outraged by the imperial condescension, appealed to *Raj Singh* to save and marry her. Fired by the touching appeal, the Rajput Rana effected her rescue and wedded her, and thereby aroused the wrath of *Auranzeb*, which was displayed in the usual Indian method—not so unlike more modern European methods—of a murderous war, over the details of which it is unnecessary to linger here.

The desolating famine which followed in the wake of war—caused, not so much by the shutting up of the heavens, as by the letting loose of devils upon earth—was aggravated by one of those terrible periods which some critics of British Rule in India conveniently forget in their distorted comments on more recent calamities. This protracted distress gave the Princess her opportunity, in redeeming which, she has not merely covered herself with imperishable glory, but has also rescued Indian womankind from the limbo of indolence, voluptuousness and intrigue to which foreign ignorance not wilfully unjust but uninformed, still sometimes consigns it wholesale. The royal granaries were thrown open by the Princess to the starving poor, and though the prevailing destitution was so great and widespread that this largesse could not overtake it all, the loving kindness of the Princess sank into the public heart, and remained a revered memory. Something of a wisdom that is sometimes supposed to belong exclusively to later days seems to have belonged to this royal lady. Without her counsel her husband took no important step in his state, and her hand may be traced in an important letter which he addressed to *Auranzeb*. In it he argued,

almost like an Indian finance minister, against the capitation tax by which that sovereign strove to kill two birds with one stone, in enriching his coffers and advancing Islam at the expense of Hinduism. No Anglo Indian statesman should forget the Rajput Princess who may be said in some respects to have been an antitype to Joseph, the Egyptian *Vazir*. She proved that a monopoly of economic sagacity has not been enjoyed by modern politicians, nor indeed by European as distinguished from Asiatic rulers. If our own Famine Policy is much more successful than anything in India's past, something at any rate of its spirit haunted one of India's ancient Queens.

Samru.

VI. The *Begam Samru*, as she is familiarly known is believed to have been a *Cashmiri* dancing girl, whose personal attractions charmed the French adventurer, Reinehard. Coming to India originally as a carpenter on a French vessel, this adventurer consolidated a principality for himself in *Sirdhana*, with the help of a band of Indian mercenaries, whom good wages and the prospect of plunder first drew into his service, but whom his commanding presence and personal daring kept at his side. *Reinehard* had, early in his Indian career, been nicknamed *Sombre* by some French comrades because of his sombre demeanour; and the *sobriquet* clung to him for the rest of his eventful life—actually attaching itself to the adventuress whom he made his *begam*. On his death, this woman, whom he had always treated as a princess, assumed the reins of government in his manufactured principality; and, although opposed by both intrigue and force at one period of her career, so managed to maintain her place and prestige as to be in a position, in the dawn of British rule in India, to enter into an alliance with the

British Government. *George Thomas*, the English buccaneer, who had first entered into her service, but afterwards set up for himself as an independent chief, offered the *begam* marriage, but was refused, yet so far remembered his earlier attachment that, when *Begam Samru* fell upon evil days, he was able to give her valuable help. He even rescued her from the imprisonment in which she was for a time held by Zaffar Yab Khan. Neither space nor the design of this study admits of our following this extraordinary woman, who may be compared to Justinian's Theodora, into the many and startling incidents which make up her life story. On one occasion she attempted her own life with a dagger in order to escape the indignity of falling into hostile hands. The weapon missed its mark—and no cynic has since suggested that the occurrence was a mere stage tragedy. The *begam* survived to experience greater reverses than those which she here sought to escape—and to commit greater crimes. It is of her that the terrible story is told of two miserable slave girls whom she buried alive, and over whose grave she slept all night in order to make her vengeance sure. Their only crime had been that they had won some admiring glances from an Afghan trooper whose attention she had desired to confine to herself. It seems only fair to realise that, if India has produced her models of womanly devotion and tenderness, it has not been wanting in parellels to the worst female fiends of European history.

Jhansi.

VII. My reference to my next subject, *Lakshmi Bai Rani* of *Jhansi*, will be brief, and need not be too careful to avoid wounding Anglo-Indian susceptibilities. Her memory is justly execrated by Englishmen because of the Englishwomen and children

who were massacred by her troops in 1857. I believe it to be established beyond question that murder was, on this occasion, darkened by no fouler atrocities; and it has been doubted whether the slaughter was ordered by the *Rani*, or carried out by her soldiers without her knowledge and consent. Leaving future Macaulays and Froude's to darken or lighten the shades in which posterity shall read off her character, I may simply call attention to the fact that, fifty years ago, an Indian woman headed her troops in person and led them in battle, and behaved with dauntless courage on the field, where she fell fighting like a wounded tigress. When we remember that she had the same grievance that led the Nana Saheb, Dundhu Panth of Bithore, into nameless outrages, and that she fought for independence with a patriotism which we admire in Poles and Hungarians, a veil may charitably now be drawn over the alleged blackness of her character as we recognise her courage and devotion, and lament the miscarriage of political foresight which did not, as in the case of the Begam of Bhopal, enlist her virtues on our own side, the side of the most truly benevolent Government that India has ever known, the only rule that has consistently and persistently sought to secure the happiness of the helpless masses, *sua si bona norint*—and sometimes succeeded.

Tarulatta.

VIII. The early grave that closed over *Tarulatta or Toru, Datta*, as she is more affectionately known necessarily imparts a speculative character to any literary appreciation of her work as a Bengali poetess, or of its influence on Bengali society. But the daughter of a Bengali Christian gentleman, himself of high character, distinguished attainments, and liberal views, who has expressed her yearnings after

spiritual freedom, and her sympathy with victims of moral, social, and political bondage, Asiatic no less than European, in English and French verse of great insight and delicacy of expression, may well take her place among the great women of India and appeal to all generous minds of all races. May we not regard her indeed as a promise of peculiar significance in the midst of the intellectual turmoil which a system of secular education of doubtful tendencies has raised in the greatest Indian province? In *Toru Datta*, the blossom of an Indian home, we have, side by side with the mental keenness and literary capacity shared by some thousands of her countrymen and some scores of her countrywomen, a peculiar development of character and aspiration, apparently traceable, in part at any rate, to an heredity and environment that are still uncommon, if mainly Indian. Of these, any Christian may be pardoned for hoping that they are harbingers of a dawning Indian influence which heralds a brighter day.

Ramabai.

My last portrait links the past with the present in an interesting way. *Ramabai* is the daughter of a girl whom her pilgrim father made over to an elderly Brahman on the banks of the Godavery to be his wife. The simplicity of the transaction recalls the Bethuel and Laban of older stories. The old husband educated his young wife in all the learning of the Hindus, contrary to all the habits and prejudices of his caste. That such a mother, taken up as a foundling but lapped in learning from girlhood, should give the world such a daughter as *Ramabai* became, is hardly surprising; though it is disappointing to find the same mother wedding her daughter in childhood to an unworthy husband whose conduct began for *Ramabai* the baptism of

humiliation from which she emerged a true heroine and an apostle to her suffering sex in India. Though the early death of her husband gave her relief from the worst of thraldoms, to overlook the effect on her character of her first great ordeal, endured in the most impressionable years of her life, were to miss the key to the interpretation of her rich, deep, unfailing enthusiasm in the service of suffering Indian girls. The education she had received from her mother was of such a solid quality that, when left alone in the world at sixteen by her mother's death, she came to Calcutta and passed a searching examination in Sanscrit and in the Hindu shastras, from which she emerged with the coveted title of *Saraswati*. Her second marriage at eighteen, with a man of high character but inferior caste, which practically ostracised her from the best circles of Hindu society, was the second step in her preparation for those later labours which have made her widely known and greatly respected in India, in Britain and in America. After giving a series of lectures in India, while at the same time drinking in information for herself, *Ramabai* went to England in 1883. This visit, which is credited with enlarging her mind to a wonderful extent, as all travel doubtless enlarges most minds, may perhaps be more accurately said to have deepened her emotional receptivity and power of responding to external appeal. If I were alone in insisting, I should still insist, that, but for the moral nature, rooted in essentially Indian conditions, and moulded and ripened in essentially Indian sorrows, which this splendid woman took to England, the mere expansion of her intellectual horizon, which the visit undoubtedly brought her, had probably left her no further advanced in her mission of reclaiming her Indian sisterhood, than

many other Indians, men and women, whose visits to and stay in England have left them untouched by the day star that had arisen in this Mahratta woman's heart. I refrain from dwelling on *Ramabai's* conversion to Christianity, mainly because that embraces personal matters of a delicate kind relating to a living person, which I do not feel at liberty to discuss, but also because although I should be the last to doubt or deny the impulse which her reforming activities received from the "expulsive power of the new affection," yet it is difficult to doubt that her distinctively Indian evolution before her conversion gave her country unmistakeable guarantees of the future heroine, under no matter what religious inspiration her zeal blossomed into its mission of service. It is only necessary to add, in this imperfect sketch of a contemporary life, whose activities ought to be unknown to nobody interested in the uplifting of Indian womanhood, that *Ramabai's Mukti* Home, where the homeless of her sex are assured of welcome, shelter and education; and where numberless girls have been rescued from lives of danger and fitted for useful occupation, forms a beacon light, whose lessons of warning and encouragement the best of her country-men will surely read aright without foreign interpretation.

It may be prudent, before closing, to anticipate two criticisms to which this imperfect study of some famous Indian women is fairly exposed. The first is that too few of India's many famous daughters have been brought under review. The other is that justice has hardly been done to the lives and characters of even those who have been introduced. To the former objection the answer is that the wealth of the available material and the limits of space imposed on a magazine article demanded a rigorous exclusion, and narrowed selection to individuals whose

experiences suggested reflections that might suitably be submitted to cultured women and men. Noor Jehan, Draupadi, Divan Devi, Karnarath, Padmini of Chitore, Pretal, Karam Devi, Suja Bai, Tara Bai, Mumtaza Zamani, the Begam of Bhopal and more than a dozen others may be mentioned; any one of whom would have required a whole volume for anything like an exhaustive study of her history and its lessons—without yielding those vivid contrasts which it has been part of my purpose to draw. To the second objection the answer is that, wisely or unwisely, some phrases usually attached to certain types of life have been deliberately set aside, and some familiar methods of anecdote have been designedly avoided, and others adopted in their place. This course has been pursued in the desire to present pictures which, if they illustrate a style of literary free-hand drawing to which some exceptions may be taken, may still make some lasting impressions to compensate for this defect. The penalty of such eccentricity any one guilty of it must be prepared to pay.

W. C. MADGE.

Art. IV.—AKBAR'S TOMB AT SECUNDRA.

AKBAR is buried at Secundra, a village five miles from Agra the capital that he had built and so lavishly decorated, in one of the most splendid buildings in which such a soul could love to linger amid the stately piles that he had reared.

This mausoleum, this "sculptured sorrow" as Ruskin well called such structures, was designed and partly built by Akbar himself. But it was left incomplete at his death and never finished according to his design. Beautiful as it is, it strikes the practised eye as imperfect and incomplete. And we may fancy, it is better so. It symbolises in a striking manner the incompleteness of his work for India. He was a man of vast designs and noble visions. Many of these he lived to see realised. But many, too, remained mere designs. They were never carried out by him in his latter years, and in his successors' times his noble visions were chased away. Well has the great poet of England represented this monarch as dreaming and having a presentiment that his noble work was incomplete and would be rendered still more so by his sons and successors :—

"I dream'd
That stone by stone I rear'd a sacred fane,
A temple, neither Pagod, Mosque, nor Church,
But loftier, simpler, always open door'd
To every breath from heaven, and Truth and Peace
And Love and Justice came and dwelt therein ;
But while we stood rejoicing, I and thou,
I heard a mocking laugh, 'the new Koran ! '
And on the sudden, and with a cry 'Saleem'
Thou, thou,——I saw thee fall before me, and then

Me too the black-winged Azrael overcame,
But death had ears and eyes ; I watch'd my son,
And those that followed, loosen stone from stone,
All my fair work."

His son tampered with the design of this mausoleum as he tampered with so many of his father's other cherished designs.

In another way the last resting place of this great monarch is symbolical of him and his work. Its design is Hindu, rather Buddhistic, and not Mahomedan or Saracenic. He seems to have purposely done this to mark his predilection for by far the larger proportion of his subjects. Everything Hindu had a great attraction for him ; he allied himself with Hindu princely families by marrying Rajput wives, and encouraged his nobles to do likewise. He adopted many of the Hindu customs, and almost totally abstained from the flesh of the cow and other like animals ; he borrowed also much from their religion in his new " Ilahi Faith." In fact he was more a Hindu than a Mahomedan. Indeed the Hindus believe Akbar to have been in a former birth a Brahman saint. James Forbes relates the curious story thus : " So highly respected was Akbar among the Hindus, who wish to appropriate everything to themselves, that they insist that Akbar was a Hindu in a former generation. The proximity of the time in which this famous Emperor lived, has forced them, however, to account for this in the following manner :— There was a holy Brahmin, who wished very much to become Emperor of India, and the only praticable way for him was to die first and be born again. For this purpose, he made a desperate *tapasya*, wishing to remember, then, everything he knew in his present generation. This could not be fully granted, but he was indulged with

writing on a brass plate a few things which he wished more particularly to recollect afterwards ; he was directed to bury the plate and promised that he would not forget the place in the next generation. Mukunda, for that was his name, went to Allahabad, buried the plate and then burned himself: nine months after, he was born in the character of Akbar, who, as soon as he ascended the throne, went to Allahabad, and easily found the spot where the brass plate was buried. Thus the Hindus claim Mahomed and Akbar as their own : exactly like the Persians of old, who insisted that Alexander the Great was the son of their Kings ; so that, after all, they were forced to subject to their countrymen only." (*Oriental Memoirs.* Vol. II., pp. 211-12, Ed. 1834. *Cf.* another version of the story of this Mukunda in Monier-Williams' *Brahmanism and Hinduism*, p, 318, Ed. 1891.) It was therefore in the fitness of things that his mortal remains should rest (on this earth) in a building designed after the old Hindu model, more like one of those Buddhist viharas than any Mahomedan mausoleum. Then also in death as in life he showed his disregard for the precepts of the faith of his fathers, and ordered his body to be buried with his face turned towards the rising sun, which he adored in life, following the Hindus and Parsis in this respect, and turned away from Mecca, a position contrary to that of all Mahomedans, who are always buried with their face towards that city to the west.

The historian of Indian architecture, James Fergusson has well described this noble building in a way to give us an idea of its excellence as well as defects :—

"Perhaps the most characteristic of Akbar's buildings is the tomb he commenced to erect for himself at Secundra, near Agra, which is quite unlike any other tomb built in India either before or since, and of at

design borrowed, as I believe, from a Hindu or, more correctly, Buddhist model. It stands in an extensive garden, still kept up, approached by one noble gateway. In the centre of this garden, on a raised platform, stands the tomb itself, of a pyramid form. The lower storey measures 320 feet in height, and pierced by ten great arches on each face, one with a larger entrance adorned with a mosaic of marble in the centre.

"On this terrace stands another far more ornate measuring 186 feet on each side and 14 feet 9 inches in height. A third and a fourth of similar design and respectively 15 feet 2 inches and 14 feet 6 inches high, stand on this, all these being of red sandstone. Within and above the last is a white marble enclosure 157 feet each way, or externally just half the length of the lowest terrace, its outer wall entirely composed of marble trellis work of the most beautiful pattern. Inside it is surrounded by a colonnade or cloister of the same material, in the centre of which, on a raised platform, is the tombstone of the founder, a splendid piece of the most beautiful arabesque tracery. This, however, is not the true burial place; but the mortal remains of this great being repose under a far plainer tombstone in a vaulted chamber in the basement 35 feet square exactly under the simulated tomb that adorns the summit of the mausoleum.

"At first sight it might appear that the design of this curious and exceptional tomb was either a caprice of the monarch who built it, or an importation from abroad. My impression, on the contrary, is that it is a direct imitation of some such building as the old Buddhist Viharas which may have existed, applied to other purposes in Akbar's time. Turning to the representations of the great rath at Mahavellipore, it will be seen that the

number and proportion of the storeys is the same. The pavilions that adorn the upper storeys of Akbar's tomb appear distinct reminiscences of the cells that stand on the edge of each of the rock-cut example. If the tomb had been crowned by a domical chamber over the tombstone, the likeness would have been so great that no one could mistake it, and my conviction is, that such a chamber was part of the original design. No such royal tomb remains open exposed to the air in any Indian mausoleum; and the raised platform in the centre of the upper cloister 38 feet square, looks so like its foundation that I cannot help believing it was intended for that purpose. As the monument now stands, the pyramid has a truncated and unmeaning aspect. The total height of the building now is a little more than 100 feet to the top of the angle pavilions; and a central dome 30 feet or 40 feet higher, which is the proportion that the base gives, seems just what is wanted to make this tomb as beautiful in outline and in proportion as it is in detail. Had it been so completed, it certainly would have ranked next the Taj among Indian mausolea" (Fergusson, Indian and Eastern Architecture, pp. 583-5, Ed. 1866).

To support his theory that this noble structure is unfinished and that it lacks the central dome, which must have been a feature of the original design, Fergusson quotes from the English traveller Finch, whose journal, as given by Purchas in his famous collection of travels, he says he saw after he had formed his theory. Finch resided for several years in Agra at the beginning of Jehangir's reign and saw the mausoleum while it was building about 1609. "At my last sight thereof there was only overhead a rich tent with a shamiana over the tomb. But it is to be inarched over with the most curious

white and speckled marble and to be sealed all within with pure sheets of gold richly inwrought." (Purchas, his Pilgrims, Vol. I, p. 400, Ed. 1626). There is another account contemporary with the above, and written also by an English traveller who saw this mausoleum in course of erection, which Fergusson might have quoted, as it is also given in Purchas' famous collection.

Fergusson might have quoted also the testimony of another traveller who was in India at the end of Jehangir's and the beginning of Shah-Jehan's reign, 1627-28, Sir Thomas Herbert, who, too, says that the mausoleum was not completed even more than twenty years after Akbar's death. "At Secundra, three course (or five miles) from Agra, as we go to Lahore, is the mau soleum or burial place of the great Moguls, the foundation of which was begun by Ecbar, the super structure continued by Yehangir, his son, and is yet scarce finished, albeit they have already consumed 14 millions of rupees in that wonder of India." (*Travels into Africa and Asia the Great*, p. 67, Ed. 1665).

Herbert continues his account as follows :—

"It well merits a little more in that description. It is called Scander, *i.e.*, Alexander, a place where the greatest of Grecian kings made his *ne plus ultra* when he made his utmost progress or march into India; which place Ecbar, the most magnificent Prince of Tamerlane's race, selected as the noblest place of burial. 'Tis a mausoleum of four large squares, each side has about three hundred paces; the material is free stone well polished; at each angle is raised a small tower of party-coloured or chequered marble; ten feet higher than that is another tower, on every side beautified with three towers; the third gallery has two on each side; the fourth, one; the fifth half; and a small square gallery

or terrace about mounting in the whole to a royal Pyree, resembling not a little that famous Septizonium Severi Imper in ancient Rome which you have represented in sculpture by Lamrus, or (but in far less proportion) that famous tower which Semiramis built in Babylon, and dedicated to the memory of Jupiter Belus, her husband's great Ancestor. In this at the very top within is the mummy of Ecbar, bedded in a coffin of gold. The whole structure is built in the midst of a spacious garden, which is surrounded with a wall of red-coloured stone, and in that is a rail mounted by six stairs which discovers a little garden but exquisitely beautiful and delightful; so that of this noble fabric I may say, *Ædes est qualis toto Sol aureus Orbe Vix videt.* Such a monumeut; The sun through all the world sees none more gentle" (Herbert, *Travels*, p. 67, Ed. 1665,) The name Secundra is derived not, as Herbert here fancifully suggested, from Secunder or Alexander the Great, but from Secunder Lodi, the great Afghan ruler of India from 1489-1517.

Captain William Hawkins also saw the tomb of Akbar before completion, while he was at Agra in 1611. His journey thither and residence at the court of Jehangir may be looked upon, says Sir Clement Markham, as the opening scene in the history of the English in India. (Hawkins' *Voyages*, p. XLI, Hakluyt Soc. Edition). Hawkins it may be added, was induced by Jehangir to marry the daughter of Ababarik Khan, an Armenian, who went to England and died on his voyage home at the Cape in 1613. His description, given by Purchas in 1626 in his "Pilgrims," is as follows:—"After I had written this, there came into my memory another feast solemnized at his father's funeral, which is kept at his sepulchre, where likewise

himself with all his posterity, mean to be buried. Upon this day there is great store of victuals dressed, and much money given to the poor. This sepulchre may be counted one of the rarest monuments of the world. It hath been these fourteen years a building, and it is thought it will not be finished these seven years more, in ending gates and walls, and other needful things for the beautifying and setting of it forth. The least that work there daily, are three thousand people; but thus much I will say that one of our workmen will despatch more than three of them. The sepulchre is some three-quarter of a mile about, made square; it hath seven heights built, every height narrower than the other till you come to the top where his Herse is. At the outermost gate before you come to the sepulchre, there is a most stately palace building, the compass of the wall to this gate of the sepulchre and yarding, being within, may be at least three miles. This sepulchre is some four miles distant from the city of Agra." (*Apud* Hawkins' *Voyages*, Hakluyt Society's Ed., 1878, p. 442.)

In this extract from William Hawkins given by Purchas there is also just a reference to Akbar's death without any details. "This Selim Padasha being in rebellion, his father dispossessed him and proclaimed heir-apparent his eldest son Cossero (Khosru) being eldest son to Sehinsha, for his own sons, younger brothers to Selim, were all dead in Deccan and Guzerat; yet shortly after his Father died, who in his deathbed had mercy on Selim, possessing him again." (*Ibid.*, p. 428.) Another European traveller who was in India within three years after Akbar's death, in 1608, at the same time as William Hawkins to whom he refers, Pyrard de Leval also slightly alludes to the death in the following passage in his book of travels:—"When this Prince

Achebar died all India was in disquietude and alarm, for the war that was feared would ensue in those parts; for that king was greatly dreaded and feared of all the other Indian kings. And it can be said with assurance that he is lord of the fairest and best countries and of the most valient people in the world as the Tartars are. Many of his people, too, are exceedingly rich and cultivated. None speak of the Turk in all the Indies, but only of the great Achebar; and his subject-kings themselves speak of him, they bow their heads in token of respect." (Voyage of Pyrard de Leval, Vol. II., pt. 8, pp. 252-3, Hakluyt Society's Ed.)

Shortly after William Hawkins and Finch had written their accounts, Edward Terry, who came as a chaplain in Sir Thomas Roe's train to the Moghul Court, thus described the tomb. Though published in 1655, his account was written somewhat earlier and refers back to 1616-18. "Amongst many very fair piles there dedicated to the remembrance of their dead, the most famous one is at Secundra, a village three miles from Agra; it was begun by Achabar-sha, the late Moghul's father (who there lies buried), and finished by his son, who since was laid up beside him. The materials of that most stately sepulchre are marble of divers colours, the stones so closely cemented together that with many curiosities about it, and a fair mosque by it, the garden wherein it stands is very large (as before) and compassed about with a wall of marble. This most sumptuous pile of all the structures that vast monarchy affords is most admired by strangers. Tom Coryet had a most exact view thereof, and so have many Englishmen; other Englishmen had; all which have spoken very great things of it." (*A Voyage to the East Indies*, pp. 291-2, Ed. 1777.)

The following passage in Jehangir's Autobiographical Memoirs alludes to the fact that the builders had altered the original design. Writing about the events of the third year of his reign (1608) he says: "When I had obtained the good fortune of visiting the tomb, and had examined the building which was erected over it, I did not find it to my liking. My intention was that it should be so exquisite that the travellers of the world could not say they had seen one like it in any part of the inhabited earth. While the work was in progress in consequence of the rebellious conduct of the unfortunate Khosru, I was obliged to march towards Lahore. The builders had built it according to their own taste, and had altered the original design at their discretion. The whole money had been thus expended and the work had occupied three or four years. I ordered that clever architects acting in concert with some intelligent persons, should pull down the objectionable parts which I pointed out. By degrees a very large and magnificent building was raised, with a nice garden round it entered by a lofty gate consisting of minarets made of white stone. The total expense of this large building was reported to amount to 50,000 tomas of Irah and forty-five lacs of khanis of Turan." (*Wakiyat-i-Jehangiri apud.* Elliot and Dawson, Vol., VI., pp. 319-20.)

Later in these memoirs he again mentions the tomb in the following words:—"I considered it a sacred duty to visit the tomb of my father at Secundra over which the buildings I had long since ordered had been now completed, and, in truth it exhibited to the view in all its parts an object of infinite gratification and delight. In the first place it was surrounded by an enclosure or colonnade, which afforded standing for 8,000 elephants and a proportion of horses, the whole

being built on arches and divided into chambers. The principal gate by which you enter is thirty cubits wide, by as many in height, with a tower erected on four lofty arches, terminating in a circular dome; the whole one hundred and twenty cubits high, divided into six storeys, and decorated and inlaid with gold and lapis lazule from roof to basement. This superb portico, as it may be called, has also on each of its four sides (angles properly) a minaret of hewn stone three storeys or stages in height. From the entrance to the building in which reposes all that is earthly of my royal father is a distance of nearly a quarter of a parsamy, the approach being under a colonnade floored with red stone finely polished five cubits wide. On each side of the colonnade in a garden planted with cypresses, are wild pine, plane and supary trees (the betel-nut tree or arch) in great number; and in the gardens on each side, and at the distance of a bow shot from each other are reservoirs of water, from each of which issues a fountain or jet d'eau, rising to the height of ten cubits, so that from the grand entrance to within a short distance of the shrine we pass between twenty of these fountains. Above the tomb itself is erected a pavilion of seven storeys, gradually lessening to the top, and the seventh terminating in a dome or cupola, which, together with the other buildings connected with it in every part of the enclosure, is all of polished marble throughout; and all completed, from first to last, at the expence of 180 lakhs of rupees. In addition to this I have provided that a supply of two hundred measures or services of food and two hundred of confectionery should be daily distributed to the poor from the sacred edifice, and that no strangers should ever be required to dress their own meals, though their number should

amount to a thousand horse. When I entered on this occasion on the fabric which enclosed my father's remains, such were my impressions that I could have affirmed the departed monarch was still alive, and seated on his throne and that I was come to offer my usual salutation of homage and filial duty. I prostrated myself, however, at the foot of the tomb, and bathed it with the tears of regret and sincerity. On leaving the venerated spot, and in propitiation of the pure spirit which reposed there, I distributed the sum of Rs. 50,000 among the resident poor." (*Wakiyat-Jehangiri*, pp. 119-20.)

The final passage militates against Mr. Wheeler's theory that Jehangir had his father poisoned by the physician Hakim Ali. (*Vide* my article on the death of Akbar in *Calcutta Review*, October 1906.) For if he had really been instrumental in bringing about his father's death, he would assuredly not have written thus. Elsewhere, too, he writes with profound reverence for his deceased father. At the commencement of the account of the third year of his reign he says: "As the magnificent sepulchre of my father was on the road, I thought that if I now went to see it, ignorant people would consider that I went to visit it only because it was on my road. I, therefore, determined that I should proceed direct to the city (Agra), and then as my father, in accordance with his vow respecting my birth, had gone on foot from Agra to Ajmir, in the same manner I would also walk from the city to his splendid sepulchre, a distance of two and-a-half kos. Would that I could have gone this distance upon my head! On Thursday the 17th, I went on foot to see the resplendent sepulchre of my father. If I could I would travel this distance upon my eyelashes or my head. My father, when

he made a vow respecting my birth, had gone on foot from Fatehpur to Ajmir on a pilgrimage to the shrine of the great Khevaja Ud Din Chisti, a space of 120 kos, and it would therefore, be nothing very great if I were to go this short distance, upon my head or eyes" (*apud* Elliot and Dawson, Vol. VI., pp. 316-9), Jehangir, if he were really a parricide, must have been dowered with incredible hypocrisy to write in this Pecksniffian vein. Many faults and even crimes must, doubtless, be laid to his charge; but we cannot add this, the most repulsive of offences, to the catalogue.

Niccolas Manucci, the celebrated Venetian, who was in India at the Moghul Court of Aurangzib, and elsewhere for nearly sixty years, and died in 1717, visited this tomb and gives a very interesting account of it, which is given here from his *Storia do Mogor*, now published for the first time after nearly two hundred years by Mr. William Irvine in his scholarly and highly important work in the "Indian Text Series."

"Finding himself conquerer of almost the whole of Hindustan, Akbar followed the example of his father. Although he made little account of his soul, he took care to prepare a resting place for his body with extreme magnificence. For the site he chose a garden on the road to Delhi, at three leagues' distance from Agra on the west, 'to which he gave the name of Secundra, that is to say 'Alexandria.' This mausoleum is a very large dome of great height, made all of marble adorned with many kinds of precious stones, the roof all gilded and enamelled in many pleasing colours. The garden is very large and pleasant, walled in on all sides, with various seats inside. There were drawings of human figures. Over these the king Aurangzib ordered a coat of whitewash to be applied, so that the drawings might

not be seen. He said such things were prohibited by the Mahomedan religion. I obtained entrance to this garden several times to inspect the mausoleum, being anxious to see the above-named figures before Aurangzib should order them to be covered over. The figures in the principal gateway of the garden were a crucifix, the Virgin Mary and Saint Ignatius. I had a great desire to obtain entrance into the great dome I have spoken of, and at last one of the officials at the mausoleum, who was a friend of mine, and also wanted to make use of me, believing I was a physician, took me with him. The condition was that I should bow such as he made, with great reverence and punctiliousness, just as if the king were still alive. He opened the door and I joined with him in making a very low bow in total silence, then barefooted I went round and saw everything. As I have already said, there was a holy crucifix delineated on the wall, on the right hand of the crucifix the image of 'Our Lady with the infant Jesus in her arms, while on the left was Saint Ignatius, the whole delineated.' In the ceiling of the dome were great angels and cherubim and many other painted figures. There were also many censers which were lighted every day. The hall is paved all over with stones of different colours.

"Outside the mausoleum, in the garden, were many Mullas, that is to say, learned men, reading the Koran. On the dome outside, on the very highest point was a ball, and upon it a pyramid, the whole gilt. Most curious of all is the reason for having these paintings, it was only because they were a novelty in those days; it was not on account of religion" (*Storia do Mogor* or Moghul India, 1653-1708, by N. Manucci now translated for the first time by William Irvine, 1907, Vol. I, pp. 40-2).

Bishop Heber's description of this mausoleum based upon a visit which he paid to it during his tour in "Upper India" as he calls it, in 1824-5, is often quoted and is given below. But, in truth to describe this as well as other monuments of the magnificent Moghuls at Delhi and Agra, Fatehpur Sikhri and Secundra, worthily, would tax the genius of a master of language as well as of architecture, of a prose poet like Ruskin. I often wonder, indeed, that that great man never came to India considering that his earliest inspiration was drawn from this country and from the ancient monuments which are in our close vicinity at Bombay, as witnessed by his youthful poem on the Elephanta caves. Had he come here, he would have found in these Moghul buildings materials for a work on, say, the "Stones of Agra," in every way as interesting and abounding in word pictures as his "Stones of Venice."

Heber writes under date 11th January 1825: "This morning we arrived at Secundra, a ruinous village without a bazaar, but remarkable for the magnificent tomb of Akbar, the most splendid building in its way which I had yet seen in India. It stands in a square area of about forty English acres, enclosed by an embattled wall, with octagonal towers at the angles surmounted by open pavilions and four very noble gateways of red granite, the principal of which is inlaid with white marble, and has four high marble minarets. The space within is planted with trees and divided into green alleys, leading to the central building, which is a sort of solid pyramid surrounded externally with cloisters, galleries, and domes, diminishing gradually on ascending it, till it ends in a square platform of white marble, surrounded by most elaborate lattice-work of the same material, in the centre of which is a small altar tomb, also

of white marble, carved with a delicacy and beauty which do full justice to the material and to the graceful forms of Arabic characters which form its chief ornaments. At the bottom of the building, in a small but very lofty vault, is the real tomb of this great monarch, plain and unadorned, but also of white marble. There are many other ruins in the vicinity, some of them apparently handsome, but Akbar's tomb leaves a stranger little time or inclination to look at anything else. Government have granted money for the repair of the tomb, and an officer of engineers is employed on it. A sergeant of artillery is kept in the place, who lives in one of the gateways; his business is to superintend a plantation of sissoo trees made by Dr. Wallich." (Heber, *Narrative*, Vol. I., p. 555-6, 4to. Ed. 1826.)

Elphinstone has noted that this splendid pile served as quarters for a European regiment of dragoons for a year or two after the first conquest of that territory by the British (History of India, p. 531, etc.) in 1803. It lay neglected for a long time, the only attention it received being the whitewashing of its marble walls! (Howell, Agra and the Taj, 1904, p. 96.) But Lord Curzon's recent orders are applicable to this in common with other Moghul buildings, and sincerely do we hope that better care will be taken in future of this the last resting place of the greatest of the Great Moghuls.

R. P. KARKARIA.

Art. V.—THE SELECTION AND TRAINING OF PROBATIONERS FOR THE IMPERIAL FOREST SERVICE OF INDIA.

By J. Nisbet, D.OEC.,
Formerly Conservator of Forests, Burma.

AFTER the formation of the Forest Department by the Government of India in 1864, it very soon became apparent to the first Inspector-General of Forests, the late Sir Dietrich Brandis, K.C.I.E., that in order to develop departmental organisation properly a body of well-trained officers was absolutely necessary. At first the department was recruited by the appointment of Military officers and others who seemed to be fond of rough camp life, or to show some aptitude for carrying out the simple methods of surveying and enumerating and classifying the stock of valuable marketable timber in the forests. To be fond of shooting or to be interested in Botany or Zoology was in these early days the best qualification that could be looked for in candidates desiring appointments in the new Department.

After a vast amount of correspondence the Government of India and the Secretary of State agreed in 1866 to Dr. Brandis' proposals for ensuring a regular recruitment of the Department by young officers who had undergone a thorough course of training in Forestry in Europe. But to supply urgent immediate requirements two young German foresters were selected and appointed under terms specially favourable to them. These were Dr. W. Schlich and Mr. B. Ribbentrop, who both later became the subsequent successors of Dr. Brandis in the Inspector-Generalship, respectively from 1882 to 1885 and from 1885 to 1900. And as regards future recruitment a system of competitive examination for

probationerships was also instituted, the first examination being held in London in November 1866, and the selected candidates being trained for two and a half years from the following March onwards either in Germany or at the French National School of Forestry at Nancy. At the end of their French or German training the probationers were appointed as Junior Assistant Conservators on a salary of Rs. 250 per mensem. This original course of continental training ceased in Germany in 1875, but was continued in France down to 1886, and ninety-seven trained officers were thus appointed to the Indian Forest Department between 1869 and 1886, as the result of the competitive examinations held from 1866 to 1883.

Meanwhile the Coopers Hill Indian Engineering College, recently advertised for sale, had been built and opened in 1871 for the special training of Civil Engineers for the Indian Public Works Department. But with the subsequent fall in the exchange value of the rupee and the shrinkage which then necessarily took place in the surplus funds available for the execution of new Public Works in India, the number of young Engineer officers wanted (and especially after 1879, when a large reduction of establishment took place) was insufficient to enable the College to maintain itself except at the cost of a larger subvention than formerly from the Government of India. Partly in order to relieve the financial position and decrease this annual deficit incurred on the College, and partly also for other reasons, a new system of training for Forest probationers was introduced after the competitive examination held in 1884. The selected candidates of that and the following years were sent to Coopers Hill for two years and a half, and then taken for an extensive tour throughout German

forests during the last summer before their departure for India. From 1889 onwards the course of instruction in Forestry was given under Dr. Schlich (who retired from the Inspector-Generalship of Forests in India on 1st January 1889 in order to devote himself definitely to this teaching) as professor of Sylviculture and Forest Management, with Mr. Fisher (who also retired from a Conservatorship of Forests) as assistant professor of Forest Protection and Utilization of Forest Produce, the continental tours in the last half-year being personally conducted by the veteran Sir Dietrich Brandis. Thus the theoretical portion of the four main branches of modern French and German Forestry (but chiefly the German systems and methods) were taught by two retired Indian Forest Officers, while special lecturers provided instruction in Botany and Zoology, and the Forest students shared with candidates for Public Works appointments the courses in other subjects, such as chemistry and physics, surveying, etc. In time these original arrangements were modified and improved. The theoretical course in Forestry and the cognate sciences was arranged for two years spent in residence at Coopers Hill, and an extensive tour was made in French forests during the first year of study; while in the third or last year of study the probationers were placed for six months in small groups under selected head-foresters in Germany, in order to gain a proper insight into the practical application of the theoretical principles that had been previously taught to them at Coopers Hill, and to see the results of long-continued methodical management on a far larger scale and in a much more scientific and thorough manner than can possibly be seen anywhere in Britain. It cannot be denied that this seems to have been like putting the cart

before the horse, and that it is desirable that instruction in practical work ought at any rate in part to precede the theoretical course, as is done in Germany. But in any case the above was the system adopted, an extensive tour under Sir Dietrich Brandis (or subsequently under Dr. Schlich) in German forests being the final portion of the instruction.

This system was continued at Coopers Hill for twenty years in all, from 1885 to 1905, during which time that was the collegiate training-place for 152 probationers, making in all 249 young British-born, scientifically trained officers who received appointments in the Imperial Forest Service of India between 1869 and 1906.

As ample provisions now exist in most of the British Universities for the very thorough training of Civil Engineers and the grant of degrees of B.Sc. in Engineering, the question of the continued maintenance of the Coopers Hill Indian Engineering College had more than once been under consideration by the Council of India. After a very thorough inquiry into the matter, a strong committee appointed to investigate and report on this subject urged the abolition of the College; and in the spring of 1904 the Secretary of State for India publicly announced his decision that it should be closed from and after the summer term in July 1905. Since that date the Public Works Department has been, and will continue to be, recruited by the selection of fully qualified candidates who have gone through any thorough theoretical and practical course of instruction in British Engineering. The question of dealing with the Indian Forest probationers still remained, however, to be decided. As there is no National School of Forestry in Britain, it was felt that the special requirements of the case would best be met by transferring

the Forestry Staff, consisting of Dr. Schlich and Mr. Fisher, to some University centre where the best opportunities would be offered of getting the most highly qualified instruction in the cognate sciences—botany, zoology, geology, chemistry, and natural philosophy. The Universities of Oxford, Cambridge, and Edinburgh were the most likely centres for such a purpose. But the issue soon narrowed down to a choice between the two great English Universities, whose Boards of Indian Studies provide the chief means of training the great majority of the probationers for the Indian Civil Service, selected at the competitive examinations held annually. Oxford and Cambridge therefore immediately entered into keen competition for the reversion of the Coopers Hill Forest probationers. Having most to offer in the way of inducements, Oxford gained the desired object; and Dr. Schlich and Mr. Fisher were "delegated" to lecture at Oxford from October 1905 onwards, the curriculum being, as recently at Coopers Hill, a two years' lecture course with a tour in France, followed by a twelve months' residence under a German Forester and an extensive tour throughout German and Swiss Forests.

On this decision favouring Oxford being publicly announced, early in 1905, Cambridge at once protested vehemently about the very invidious distinction made in this "delegation" of the Forest probationers to its ancient rival,—because it is equivalent to a grant of £1,200 a year, the salaries of the professor and the assistant professor, paid by the Government of India, being respectively £700 and £500 a year, in addition to their pensions granted in 1889. The member of parliament for Cambridge University moved in the matter; and on 7th March 1905, the Earl of Lytton asked a question in the House of Lords, to which the

Under-Secretary of State for India made the following clear and definite announcement, as thus officially reported in the *Times* of the next day :—

The Marquis of Bath said there was a good deal of misapprehension both with regard to the reasons which influenced the Secretary of State in Council in formulating the scheme and also as to the results which would ensue from it. There had grown up throughout the United Kingdom a number of excellent institution which were fully capable of carrying out that engineering instruction which Coopers Hill was originally founded to establish—institutions whose diplomas and degrees the Indian Government were prepared to accept. Further, the establishment of a forestry school at that college was no part of the original scheme. He particularly emphasised the fact that the scheme was, and was intended to be, of a temporary nature. In coming to his decision the Secretary of State in council was guided by very strong representations that were made to him by the experts whom he consulted. They represented that the number of men who were engaged in the study of forestry was very small—only ten a year.* It was considered most necessary that they should continue to be educated all in one place, and that a residential University should be found which provided rooms and particularly supervision for the students, and where they could be brought into contact with their contemporaries who were themselves at the same time studying for professions and other walks of life. Another advantage that was desired was that forestry students should obtain the benefit of instruction in auxiliary departments of science and have the opportunity of obtaining university degrees or diplomas. In searching for a university of a residential character, and one not too far from London, the choice naturally lay between Oxford and Cambridge. No idea of prefering the one university to the other ever entered the minds of the authorities of the India Office. Indeed, when attention was first directed to the matter some two years ago, Cambridge was thought likely to be the most suitable place for the Forestry School. But the experts in Indian Forestry urged upon the India Office that practical teaching in Forestry, involving visits to woods, must go hand in hand with theoretical instruction,

* In 1906 nineteen Indian Forest appointments were advertised, and in 1907, eighteen; and for 1908 sixteen are advertised. Including the Ceylon and other Colonial students, the Forest probationers at Oxford numbered 50 last year.

and they pointed out that the situation of Oxford with respect to woods was far more favourable than that of Cambridge. There seemed to be an idea abroad that admission to the Forestry School at Oxford would be of the closest kind. As a matter of fact the competition would be just as open at Oxford as at Cooper's Hill, and the examination would be carried out by the Civil Service Commissioners. The one thing that the India Office required was that the students should continue their training at the university for two years, and spend the last year of the course in Germany. But he desired again to emphasise the fact that this was merely a temporary measure. The revenues of India would not be spent upon a permanent establishment at Oxford or anywhere else until the matter had been fully considered in the light of experience and of the best expert opinion. If it would meet in any way the objections that were felt to the scheme, he could undertake that an enquiry, which should include outside authorities, would be held before the close of the three years to consider and report upon the experiment. Moreover, if it should be thought well to do so, the India Office were prepared to reduce the proposed experimental term of five years to three years; but they felt they could not reduce it below the latter period with advantage to the experiment. He hoped that the interest which had been aroused in this question would result in the establishment of institutions which gave teaching in Forestry.

However, as an actual matter of fact, though this was not stated in the above speech—and it looks suspiciously like a *suppressio veri*—the contracts existing between the Secretary of State and Messrs. Schlich and Fisher, originally made in 1889, and renewed from time to time for definite periods, do not lapse till 1910. Hence no change of any kind can be made until then. It is understood that the subject will actually, as promised, be reconsidered in the coming spring of 1908; but unless the various University and other educational bodies interested in the matter keep a sharp look-out, they may again find that future arrangements have then already been concluded, and that any renewed protest may easily once more come

too late to be of any practical use. And what is even more important is that fair opportunity should be given to the Government of India of expressing their views on the subject; for it is said that the delegation of the Professor and the Assistant Professor of Forestry from Coopers Hill to Oxford took place without the Government of India, which pays the £1,200 in salaries, having been consulted in the matter, or having been asked if they would not like to make any alteration in the course of study marked out for probationers.

Thus, after the competitive examination of that year, the instruction of probationers began at Oxford in 1905, the two years' collegiate course including I. theoretical and practical forestry in all its branches, and II. the following auxiliary subjects—(1) Organic and Soil Chemistry, (2) Geology, (3) Elementary Zoology and Forest Entomology, (4) Forest Botany, (5) Geometrical Drawing, Plane Trigonometry and Surveying, (6) German, (7) Elementary Engineering and (8) Book-keeping and Indian Forest Accounts. It was specially desired that the probationers should take a degree in the honour school of Natural Science before undergoing their last year of study in the German forests, at the end of which time approved probationers were to receive the diploma of Forestry from Oxford University.

Simultaneously with the commencement of this Oxford training, the India Office on 4th October 1905 issued a prospectus notifying that a competitive examination would be held on 28th August 1906 for ten (subsequently increased to nineteen) probationerships. The competitive examination was only in the elements of Mechanics and Physics, and Chemistry and Botany, with a merely qualifying examination in German. But as

the time for this competitive examination approached it was found that, for the first time since the institution of this system in 1866, thirty years before, there was a lack of candidates. For the 19 vacancies it is said that only three candidates were willing to present themselves for examination. So advertisements had hastily to be published announcing the bestowal of appointments by selection in place of by competition as theretofore.

There could, of course, only be one explanation for this sudden abstention of young men from the competition. The examination was easier than it used to be; so its difficulty could not be the reason It simply meant that the salaries and prospective pensions offered for the Indian Forest Service were considered by young mens' parents and guardians to be insufficient inducements for the expensive three years' course, involving two at Oxford (where honours in natural science were expected to be taken) and one "in such continental forests as may be selected for the purpose." This marked abstention even took place immediately after a re-organisation of the Administration grades of the Imperial Forest Service of India, the salaries of which were increased in February 1906, while a Chief Conservatorship for Burma had also been added.

But even these somewhat increased salaries cannot be expected to secure the services of the best men available, for, as Dr. Schlich wrote, in a letter published in the *Indian Forester* of August 1906, concerning the low educational demands now made on candidates for selection as probationers :—

I confess I fail to see what more you expect, considering the rate of pay prevailing in the Forest Department. If you desire to attract Senior Wranglers or Double Firsts with a knowledge of, say, German, French and Danish you must first ask the Government to raise the emoluments of the service so as to make them at least

equal to those of the so-called "Civil Service." To expect men of that class to join the Forest Department, as matters now are, is simply unreasonable.

Although the salaries have recently been raised, yet the prospective pension, which is merely a form of deferred pay, has not yet been improved, as it should have long ago been; and in this matter the Forest Department has hitherto been very shabbily treated. This is believed to be chiefly due to the action of the India Office, which had formally declined to sanction fully the proposals sent home by the Government of India; and on the last occasion such beneficial proposals were received in London, the Secretary of State in Council ordered that similar proposals should not again be submitted.

But perhaps the question regarding Forest pensions can only be considered fairly when its past history is taken into account. About 30 years ago the heads of the Forest, Public Works, and Telegraph Departments under the Government of India submitted for approval a joint scheme for improved pensions and providing annuities. This remained long under consideration; but when the financial pressure occurred some three or four years later, the Government notified to them that owing to the financial outlook favourable consideration could not then be accorded to the proposals. It was understood, however, that in due time they would be more favourably considered when the finances of India justified it. Subsequently, when the Public Works and the Telegraph Departments resolved to bring pressure to bear on the Government in order to gain improved pensions, the Inspector-General of the Forest Department preferred to rely on the assurances given by Government rather than join in attempting to coerce it. Thus the Forest Department cut itself adrift from the

Public Works and the Telegraph Departments, with the result that these have long since obtained many extra pensions of Rs. 1,000 (£87·10s.) a year for Superintendents and Chiefs of both Departments, while the Forest Department has only been granted this boon for Conservators I. grade and the Inspector-General. That is to say, for its loyalty and its faith in the promises made to it, its officers have suffered severely in place of being generously dealt with—there being only 9 such extra pensions of Rs. 1,000 now sactioned for the whole Department, including the Madras and Bombay officers.

Considering the nature of the work and the responsibilities resting on all of these Administrative Forest Officers, it seems only fair that all Conservators of whatever grade whether substantive or merely officiating, should be granted the extra pension of Rs. 1,000 per annum, now only granted to Conservators who have served for three years in the First Grade, and that extra pensions of another Rs. 1,000 a year should be permitted to the Chief Conservators in Burma and the Central Provinces and to the Inspector-General of Forests after three years' approved service.

The arbitrary distinction drawn for pensionary purposes between the Conservators of the First Grade and those of the Second and Third Grades seems quite unjustifiable. Under existing conditions as to promotion, mainly by seniority, it is quite a matter of chance if ever any Conservator happen now to reach the First Grade and to become thereby qualified for the extra pension of Rs. 1,000. And yet it very frequently happens that the heaviest financial responsibilities and the hardest and most important administrative work fall to the lot of Conservators of the Second and Third Grades, who are not yet eligible for this extra pension.

The position of Second and Third Grade Conservators is therefore very much worse than that of Superintending Engineers or of Superintendents of Telegraphs, who have now for many years been eligible for the extra pension after merely officiating for three years in such office. And yet Conservators of Forests occupy a higher official position than Superintending Engineers, because they are *de facto* the Heads of Departments under the Local Governments, except perhaps when there may be a Chief Conservator.

The injustice thus done to Conservators of Forests has been recently intensified by the granting of the extra pensions to officers in the Police Department, where again the Deputy Inspectors-General of Police occupy a lower official status than the Conservators of Forests. And this injustice becomes all the more glaring when it is recollected that until the last three or four years no Police Officers were appointed from home, and even now they have not to undergo any expensive training before obtaining their appointments in India. For Forest Officers the cost of the three years' course at Coopers Hill entailed (and now entails at Oxford) an outlay of between £800 and £1,000; and during these three years the Police Officer was, and is, drawing a salary amounting in all to about Rs. 9,000. That is to say, on joining in India the Forest Officer is worse off than the Assistant Superintendent of Police by about Rs. 24,000, or £1,500.

Now, £1,500 at 4 per cent. becomes £4,465 in 20 years, £6,246 in 25 years, and £8,412 in 30 years; and the Annuities obtainable from first class Offices for these sums are as follows:—

For £4,465 at 45 years of age = £245 a year.
" £6,246 " 50 " " " = £380 " "
" £8,412 " 55 " " " = £575 " "

Hence the Forest Officer would seem to have a far stronger claim to extra pension than the Police Officer; and yet the Secretary of State has recently granted this extra pension to the Police Department, after having previously refused it to the Forest Department and after having even forbidden the Government of India to re-submit any further recommendation on behalf of the Forest Officers.

Perhaps it is as well also to point out here that during the three years of probationary training for the Forest Service at Coopers Hill or Oxford, the Assistant Superintendent of Police has not only been earning salary for three years, but likewise puts in three years of active service counting towards pension, earns nine months of furlough on half pay, and also three months of privilege leave on full pay. Hence his position is very much better than that of the Forest Officer in other essential matters besides salary and pension. This is surely extremely unjust. This injustice the Department keenly resents, and I have been given to understand that lately a very large number of memorials have been sent to the Government of India, setting forth fresh reasons for asking that the case of the additional pensions be re-opened, and that the Secretary of State be again addressed on the subject. There is a feeling in the Department that the Secretary of State must, as a matter of common justice, favourably consider any pensionary representations made to him by the Government of India. After Mr. Morley's striking eulogy of the work of the Forest Department in his Indian budget speech on the 20th July 1906, he cannot, without being strangely inconsistent, withhold favourable consideration to what the Government of India may again urge as reasonable pensionary concessions.

It was not until 5th February, 1907, that the next announcement, with regard to the appointment of 18 probationers in 1907, was made. By then the idea of competitive examination was abandoned and the candidates were on 28th August 1907 chosen "on the advice of a Selection Committee." In all, 21 probationers were then chosen for the Forest Services of India and Ceylon, this Selection Committee consisting of a member of the Council of India (Sir Philip Hutchins), the Revenue Secretary (Sir Thomas Holderness), and Dr. Schlich. And it has already been announced, on 27th eptember 1907, that a similar procedure will be adopted for the selection of at least 16 probationers in the summer of 1908, who will also have to go through a two years' theoretical course at Oxford and one year in German forests. But the standard required under this selection system is far lower than formerly obtained under the competitive examination ; and whereas some of the batch of young men selected by competitive examination in 1905 have now, in 1907, taken first class honours in Natural Science at Oxford, it is unlikely that mere selection will furnish as keen and energetic a set of students, and as good officers, as were obtainable by the old system of competition. Candidates offering themselves for selection must give evidence to show that they have received a good general education. This is to be understood to include, at the least, a fair knowledge of English composition, Mathematics up to and including Plane Trigonometry, Latin, and either German or French.

The Oxford training of the selected probationers of 1908 will consequently be carried on down to the summer of 1910, and their continental study will terminate in 1911. It can therefore only be after the conclusion of

the present Oxford arrangements, in 1910, that the effects of the Secretary of State's promised announcement of his reconsideration of the matter may be expected to take effect. But will he be advised that any alterations are considered desirable? And to whom will he confine the opportunity of tendering their opinions? This is certainly a matter in which the views not only of the Local Governments in India, in whose service the young trained officers are to be employed, but also of the Supreme Government, which pays the salaries of the two professors of Forestry, should be ascertained and given full consideration to, as well as the opinions of the "experts" upon whose advice the Secretary of State acted in transferring the probationary instruction from Coopers Hill to Oxford, in 1905. And indeed, this is all the more necessary seeing that the chief expert, Dr. Schlich, cannot possibly form any altogether unbiassed opinion of matters which concern so closely his own personal employment and position, and this special educational work in which he has now been engaged during the last twenty-two years. Between 1869 and 1885 he was able to gauge thoroughly the results of the continental system of training then obtaining; but he has never had any opportunities of satisfying himself as to the results of the Coopers Hill system of training, now continued at Oxford, and more particularly as to whether this system still suits the requirements of the Indian Forest Department at a time when a far more thoroughly and highly organised system of work is in regular practice than obtained when he gave up the Inspector-Generalship of Forests to devote himself to the teaching of Forestry at Coopers Hill.

I yield to none in the just appreciation of what Dr. Schlich has done for the education of Indian Forest

probationers during these last twenty-two years. It has no doubt been a difficult, but an interesting, pleasant, and very profitable employment for him; and I should be glad to see our one K.C.I.E., rendered vacant by the death of the late Sir Dietrich Brandis, conferred upon him in recognition of this work and as a compliment to the Department, upon whose officers such honours have certainly not been lavishly bestowed in the past. But it is surely no disparagement of his work to suggest that the opinions of other retired Conservators, and of those now occupying the highest departmental positions, are also worthy of being obtained and considered, for these men alone have been able to form a proper estimate as to whether or not the Coopers Hill teaching of purely Continental (and principally German) Forestry is the best that it is possible to conceive and practically to arrange for in the interests of work in India. When, however, such an opinion was offered, uninvited, at the India Office it received, to say the very least, a frigid welcome and a suggestion that "You can write in about it." And one knows what that means.

Yet these recent and present Conservators are the men who know best what are the defects of the present system, and what improvements should be made in it. There has been, and there is now, strong feeling on the subject in India; and such views as the following seem worthy of fair consideration at the India Office:—

> What the clear-headed business man cares to know is not the details of instruction, but the result of it when put to the test of actual practice. Dr. Schlich quotes the case of one man who found, after taking honours at Dehra Dun, that there was still something to be learnt at Oxford. I do not for a moment doubt it; I would, on the other hand, suggest that if the men coming out in the Department from Oxford were to go to the Dehra Forestry College they would find that they had still almost everything to learn

as far as practical forestry in India is concerned. There is always something new to learn in forestry, and the training at any centre can never be regarded as final. The instruction at Oxford may no doubt be imparted by Fellows of the Royal Society or other eminent specialists; these gentlemen are generally, however, unacquainted with our Indian requirements. What we want is that it should be imparted by men who have an up-to-date knowledge of what is required in India, of what will be most useful, and what will tend to make their pupils efficient servants of the Indian Government; the desideratum is not theoretical instruction (however good) aided by narrow practical work while on a small excursion or in a botanical garden, but theoretical instruction on broad lines backed by useful practical work that will adequately illustrate and allow to be assimilated this instruction in the actual localities where in after time it will have to be applied.

To my mind, in spite of the eminent men at Oxford and the long hours of lecture, the training there, if the test be practical efficiency in India, must end in failure. Dr. Schlich goes on to say that the present course of instruction is what it has been at Coopers Hill during the last few years. This will not give unalloyed satisfaction to the Department out here. Should the opinion of almost any Conservator, who has the progress of forestry at heart, be asked, he will tell you that, although the Old Nancy and Coopers Hill men of the earlier years turned out as a general rule excellent practical officers, there has been a marked falling off of late years (though naturally there are brilliant individual exceptions), and if the course of instruction at Oxford is what has lately obtained at Coopers Hill, the close observer will find ample cause for grave doubt as to whether the results will prove satisfactory. It is evident that if we are not obtaining the men we require, and there is little doubt about this, the cause must be that the stamp of man coming forward leaves much to be desired, or that the method of training as judged by the results is largely capable of improvement. If the right stamp of man will not come forward, surely Dr. Schlich must, unless he has lost all touch with India, also recognise the fact, and, while doing so, must see that it is his duty to point this out to the Government at home and advocate radical improvements in the pay and prospects of the service and in this way co-operate with the Government of India. If, on the other hand, the method of training is a barrier to our obtaining the men we require, the course at Oxford should be abolished, or at least new blood should be

infused into that portion of the teaching staff responsible for the education in the forestry subjects. By new blood I mean men who are keeping themselves intimately acquainted with the progress of forestry in India, who are in active touch with such progress, and can impart such instruction as, while meeting our present requirements, will be an incentive to greater progress in the future. There can be no doubt that a marked advance has taken place in the last few years, and that in order to keep pace with this at Oxford we require our "hopefuls" to be instructed by practical men who have been and are taking part in this advance. (*Indian Forester*, September 1906, pp. 447-9).

Of recent years much has been done in Britain in the way of providing good sound theoretical and practical instruction in Forestry, so far as is possible in a country without many large woodlands. It is now taught as a branch of Rural Economy in the Department of Agriculture at Edinburgh University (since 1890), at the Armstrong College, Newcastle-on-Tyne, and Bangor College, University of North Wales (both since 1904), and at Cambridge University (from October 1907). At Edinburgh, Newcastle, and Bangor the degree of B.Sc. is given in Forestry, and at Cambridge a Diploma of Forestry is conferred, all of these academic hall-marks being bestowed only after a one year's practical course in addition to the theoretical teaching. And at most Agricultural Colleges, such as Cirencester, Aspatria, Downton and others, Forestry forms a special branch of the instruction provided for those being trained in Estate Management.

I grant at once that none of these courses is so extensive and thorough as that now provided at the special cost of the Government of India at Oxford (which also grants a Diploma of Forestry since 1907) but they at any rate give a fair grounding in the scientific principles underlying any and every rational and methodical system for the Cultivation, Management,

Protection, and Utilisation of Woodlands ; and they also provide good specialised instruction in the Cognate Sciences—Botany, Zoology, Geology, and Chemistry of soil and plant.

Now, after all, what is Indian Forestry? What is the best general description of the Indian Forest Officer's duties? It is mainly Estate Management on a large scale. Every Forest Officer must admit that if he had to be classed according to the work which takes up most of his time, he is far more of an Accountant and a General Revenue Officer than anything else, and that the modern scientific German and French Forestry he has been taught in Germany or France, or at Coopers Hill or Oxford, is of but rare appliance in the great stretches of forest committed to his charge. His first impressions of Indian Forestry must often indeed seem to him altogether opposed to the first principles he has been taught, *e.g*, as in the case of the vast pure plantations of Teak formed in Burma,—Teak being a tree naturally of a sporadic habit of growth, which never occurs growing in great masses gregariously in a manner that exposes it to the gravest possible danger from noxious insects and fungus diseases. And yet it might easily happen that, through a simple evolution following the line of least resistance, increased generative power might make the microlepidopterous insects which every few years defoliate many of the Burma Teak plantations become a terribly destructive pest, against whose attacks we should stand almost absolutely powerless. Fortunately Teak is practically immune from any fungus disease, or else this danger, too, would be greatly intensified by our pure plantations—as witness the ruination of the Ceylon Coffee Industry thirty years ago, and the grave dangers which threaten the rapidly extending Para

Rubber plantations in Ceylon and the Malay States, the *Hevea braziliensis* being, like Teak, a tree naturally of a sporadic habit of growth, but now grown largely in pure plantations.

At Coopers Hill for twenty years, as also now at Oxford, it was principally German Forestry that has been taught. British Forestry, the copse method of growing oak and other timber trees, as prescribed by the "Statute of Woods" enacted in 1543 and subsequently stringently enforced with regard to the number of "stores" or "standards" that had to be left standing at each time the underwood was coppiced, practically became a lost art soon after the introduction and the rapid development of steam-communication by land and water, and of iron shipbuilding. There is only one really large block of woodlands in Britain, the Forest of Dean in Gloucestershire, now, since 1897, being managed under a regular working-plan. And as there are no large forests, so also there is no modern Forestry practised extensively in Britain. If one wish to study European Forestry it must therefore be either French or German Forestry, or both. Now, when Sir Dietrich Brandis and Dr. Schlich organised the new system of instruction at Coopers Hill in 1885, it was of course quite natural that they, being Germans, would take a German system as their model; and certainly no one can deny that both then and now Germany held and holds the lead as regards Forest Science. But "German Forestry" is spoken of as if it were something definite, something that can be considered as one homogeneous system. Such is not the case; and it is very far from being the case. Each German State has its own peculiar system of management, especially adapted to its own local conditions and requirements. And the local systems differ very

widely in their provisions in Prussia, Bavaria, Saxony, Baden, Hesse, etc. In fact, in no two States can any one system of management be found any more than any one system of Forestry can be applied to the different provinces in our Indian Empire, differing as they do in forest flora, climate, local conditions, and special desiderata—though the mountain tracts of Southern Germany generally, and of Bavaria in particular, most undoubtedly offer by far the most instructive and useful object-lessons to the Indian Forester.

But European and Indian Forestry differ vastly. In every practical detail Indian Forestry (varying in all the provinces) differs entirely from European Forestry. If one be forced to compare them, the former is in miniature and deals with relatively small areas under intensive treatment, while the latter is on a very large scale embracing vast areas that can only be treated extensively. Thus, for example, in France there are 32 Conservatorships, and 236 divisions ; and the total area of all the State, Communal or Corporation Forests under the charge of the Department of Woods and Waters amounts to 7,787,000 acres, which gives an average of about 243,359 acres or 380 square miles for each Conservatorship, and about 33,000 acres or 51½ square mile for each division. In India, however, over its whole superficies of 1,000,000 square miles there are about 250,000 square miles of State Forests (Reserves 100,000 square miles, and protected or unclassed Forests 150,000 square miles), which are divided into 19 Conservatorships or circles, and about 130 divisions. The average area of *actual forest* in each Conservator's charge thus exceeds 12,500 square miles, and each Divisional Officer has charge of over 2,000 square miles on the average. But the *actual territorial area* included

within each Conservatorship averages over 57,000 square miles, which is over 3,400 square miles larger than all England and Wales (50,902 + 2,682 = 53,584 square miles); while each Divisional Officer's charge averages over 8,000 square miles, and is just about thrice as large as Wales. It is therefore easy to see that although the fundamental principles of Forestry are the same both in Europe and in India, yet the differences may in many important respects be just as vast as they are with regard to the territorial and the actual forest areas committed to the care and management of the Forest Officers. Such differences in the application of the principles of Forest Science in Europe and in India are, indeed, just as marked as those noticeable in the application of the principles of pictorial art in, say, the highly finished paintings of Teniers or Meissonier on the one hand, and the huge canvasses of Rubens or the big cartoons of Raphael on the other.

This aspect of the matter is one that could not fail to force itself upon the attention of experienced Indian Forest Officers, one of whom has thus placed his views on record :—

It should be remembered that the men to whom it (*i.e.*, *the present Oxford course of instruction*) is being given are not going to spend their lives in England or in European forests. They will mostly go to tropical or semi-tropical ones, and will certainly also be working in immense areas—areas consisting of tropical vegetation. In a recent article in the *Indian Forester* an American Forest Officer practically led us to understand that he would advise Americans going to India for a practical course in preference to Europe. His point of view was, we think, very sound. "How is a man who is to practice extensive and perhaps even rudimentary forestry to learn his profession in a country where a thick population, a large peasant class, a paternal form of Government and a long-settled forest administration give the key to the instruction which he will receive and the

principles which will underlie his forestry sense? How is one to learn constructive forestry in a country where forestry work is administrative routine?" It is, of course, a fact that a certain proportion of the work in India has become administrative routine, but we would venture to say on a very different scale and on very different lines to anything seen either in France or Germany. Formerly it was, as all will admit, essential that the practical course should be gone through on the Continent. Does the necessity still exist? Would it not be possible for the probationers to spend six months or a year at Dehra Dun doing their practical course in the country amidst conditions which, though not for all perhaps entirely similar to those of the part of the country they would eventually serve in, are yet much more analogous than any they could find throughout the length and breadth of Europe? Would they not learn more by actual work in and tours through the Dun and adjacent United Provinces and Punjab plains forests supplemented by visits to, and actual work performed in, the Jaunsar and neighbouring Himalayan coniferous forests? We are of opinion that not only would the probationers themselves acquire a better and a more thorough knowledge of Indian forest conditions as they actually exist, but in addition they would carry with them into other parts of the country, owing to the broader and more enlightened views engendered by the larger scale of operations and forests among which they had had their practical course, ideas which would be of the utmost service in advancing the interests of the Department as a whole. Can it be doubted that we still as a Department suffer to a great extent from a certain narrowness of ideas induced by our practical course at home owing to the small areas and consequently minute ideas of working on which our training has been based? The Himalayas are not the only mountains, the only hills of any size in India, and yet outside the Himalayas are there not many large systems of sledge roads, tramways, wire ropeways, water slides, etc., in India? Are such in common use for export operations in the forests throughout the country? Is it not conceivable that, had we all enjoyed even the advantages of such a practical course as is given to the students of the Dehra Dun School, the working of the forests would have been by now, in some localities, more intense? Have we not followed too much in the narrow and small European groove as if we were managing a few hundred hectares instead of charges of a few hundred or thousand square miles? We believe these queries can be answered in but one way; and we

would ask whether the time has not arrived at which the question of the probationers performing their practical course under the eye of specially-selected experienced Forest Officers in India would not seem to demand careful consideration, and whether the plan would not result in a far better practical training than is obtained by placing them under specially-selected German Officers, admirable men no doubt, but with neither the local experience nor breadth of view of the Indian Officer. The plan would result in a saving, for the young assistant as he now joins is admittedly useless for the first year, which would not be the case had he gone through a year's practical work in the country. For the theoretical course the very best professors and the highest form of tuition attainable are required. Such can be only obtained at home, and, above all, at a University. For the practical portion of the training we are of opinion that it can now be best given in India. Whilst as a Service we owe much to our confrères on the Continent, and are scarcely likely to forget the debt, it should not preclude us from seriously considering if we should continue to copy methods unsuited for Indian conditions (*Indian Forester*, July 1906, pp. 367-8).

The writer of the above even advocated that the course of instruction should henceforth either be given at the Imperial Forest College at Dehra Dun in Northern India, or else that it should consist of a two years Continental training in France or Germany followed by a one year's course of instruction and touring in India. The view that the special training for Indian Forest Officers can perhaps in future best be given at Dehra is, indeed, shared by many men of commonsense, who think that the recent Coopers Hill training was not, and the Oxford course is not, what is wanted—although naturally these are opinions which do not commend themselves to Dr. Schlich.

The Dehra Forest School, originally founded in 1878 for the training of subordinate officers (rangers and foresters) for the various Provincial Services, has now, by a regulation of 5th June 1906, been transformed into a Research Institute and College where scientific

research and technical instruction are combined, as I have thus elsewhere pointed out (*Trans. Royal Scot. Arbor. Socy.*, 1907, p. 221.):—

The lectures are henceforth to be given entirely in English, the lower vernacular classes for foresters being thus abolished, and each of the six research officers is to give a course of lectures in his own special branch. This will not interfere with the research work, as the lecture session is confined to the four rainy months (July to October), when in any case all the officers will be at headquarters. This arrangement is a decided improvement. When I was deputy-director and chief instructor at Dehra Dun in 1894, I had to lecture not only on Sylviculture, Management and Protection, and Utilisation of Produce, which were my own proper professional subjects, but had also (in the absence of the regular lecturer) to deliver a special course on Zoology, for which I felt myself little qualified.

For the vernacular teaching of the lower subordinates (foresters and forest guards) the various Local Governments are now making the necessary provision. The first of such purely local Forest Training Schools was that proposed and organised by me (1895-97) whilst Conservator in Burma, and the second that at Coimbatore for Southern India, organised by Mr. Gass, Conservator of the Southern Circle, Madras.

The researches that can now be undertaken at the Research Institute and College will differ considerably from those questions with which the various European Experimental Stations are concerned, for the special problems requiring solution are of entirely different nature in the temperate and the tropical zones. And even in the different provinces of India (extending to over 1,000,000 square miles), the forest questions vary considerably in many respects. That this work will be undertaken enthusiastically is evident from the feeling of gratitude with which the Department has welcomed the Government Resolution.

But it is impossible that the training at Dehra of the European Forest Officers for the higher executive and the administrative positions can be seriously considered. The course of instruction there is the best that the department can offer; and it could not pretend, without stultifying itself, that it could arrange any

better course for the young Europeans than is now given to the Eurasian and native students. Hence, to arrange separate classes and courses would be mere waste of energy ; while to form mixed classes would be altogether out of the question, for social reasons. And even if separate courses could be arranged, it would be extremely undesirable that the future officers of the higher or Imperial and the lower or Provincial Services, who are afterwards to occupy entirely different positions as superiors and subordinates, should come in contact at all until their respective courses of instruction are completed and they meet as officers in active service with well-defined positions. But, for these very reasons making this earlier contact with native officers undesirable, it is equally desirable that the Forest probationers should, if possible, be brought early in close touch with the probationers for the Civil Service along with whom they will afterwards serve in India ; and this can only be arranged for at Oxford and Cambridge, at each of which Universities there is a special Board for Indian Studies dealing with the majority of selected candidates.

Personally I am of opinion that with Forestry, mainly continental or its direct offshoot, now taught at several Universities and at most Agricultural Colleges, the Forest Department could satisfactorily and quite as easily be recruited with fairly well-equipped students of estate (including woodland) management as is found to be the case for the recruitment of the Public Works, the Educational, and other scientific departments under a system of selection from among properly qualified candidates. But at the same time I think it is very desirable, from more than one point of view, that Indian Forest probationers should be selected by a competitive examination held by the Civil Service Commissioners.

in Forestry and the cognate sciences, and then be given one year's specialised training in Indian Forestry, Indian vernacular languages, and one branch of science at Oxford and Cambridge, combined with extensive tours in such European forests as may be specially instructive from the Indian point of view.

Such an examination should supply not only the Indian Forest requirements, but also all the growing Colonial needs. The Malay States, Ceylon, Cape Colony, Natal, Nigeria, the Gold Coast, the East African Protectorate, Egypt, and Cyprus now all require forest officers; and it can only be a question of time before Canada, Australia and New Zealand must also introduce some rational system of Forest Conservation based on our Indian experience, and will then require a large number of men. And all Colonial systems of Forestry must be based on the Indian system, not on European models.

Such a test would, I feel convinced, secure the best men who are likely to be attracted by the pay and pension offe red by the Indian Forest Service, after having gone through a university or other collegiate course with a view to adopting the profession of Land Agency or Estate Management. And just as open competitive examinations are now held annually in July for the Home, Indian, and Colonial Civil Services, so, too, should a competitive examination in Forestry apply simultaneously to the selection of probationers for the Indian and Colonial Forest Services. The examination should be open to all those between 20 and 23 years of age who have obtained either—

(1) The B.Sc. degree in Forestry from Edinburgh University the Armstrong College, Newcastle-on-Tyne, or the University of

North Wales, Bangor ; or

(2) The Diploma in Forestry at Oxford* or Cambridge ; or

(3) The Diploma of one of the Agricultural Colleges at Cirencester, Downton, Aspatria, or Wye ; or

(4) The Diploma of Professional Associate of the Surveyors' Institution, London.

Such competitive examination should take place in the following subjects :—

OBLIGATORY SUBJECTS.

I. Forestry.	Marks.	II. Cognate Sciences.	Marks.
1. Sylviculture	600	1. Geology and Mineralogy ...	400
2. Management and Valuation	600	2. Chemistry (chiefly organic)	400
3. Protection	600	3. Botany	400
4. Utilisation	600	4. Zoology	400
		5. Surveying and Elementary Engineering ...	400

OPTIONAL SUBJECTS.

French Conversation ...	200	German Conversation ...	200

But when one considers the enormous differences that exist between the Civil and the Forest Services of India in regard to pay, position, and responsibility throughout the period of active service, and compares the many prizes of office (culminating in six Lieutenant-Governorships worth £6,666 a year and above a score of other appointments worth £3,200 a year or more) open to Civilians, with the one Inspector-Generalship worth £2,120 and only as yet six other permanent appointments worth £1,520 obtainable by even the luckiest Forest Officer, and notes the vast differences as to Civil Service pensions (besides the £350 widows' and the £100 and

* To supply qualified Students Oxford would then require to provide its own Forestry instruction—just as Cambridge, Edinburgh, and the other Universities do—without pecial India Office support.

£80 orphans' annuities allowed after the death of Civil officers), one cannot but be amazed that any reasonable person can pretend that a more expensive and longer training should be considered necessary for the Forest Officer than for the covenanted Civilian when once the preliminary open competition has been passed. If, as is the case, the Civil Service probationer can be trained in Indian History, Indian Civil and Criminal Law and Procedure, Political Economy, and Vernacular languages in twelve months, then there seems to me no reason whatever why Forest Officers cannot equally well be trained in Indian Forestry (including Forest Law, and Departmental Procedure and Accounts), Vernacular languages, and one branch of science (Botany, Zoology, Geology, or Chemistry, according to individual option) during the same time and at the same places, Oxford and Cambridge. It is quite absurd to suppose that a deeper and more scientific special training is required by the Indian Forester than by the much better paid Civilian, whose duties are manifold and much more responsible. This is how Sir William Hunter described the manifold duties of himself and his brother Civilians (*The Indian Empire*, 1882, p. 332):—

As the name of Collector Magistrate implies, his main functions are twofold. He is a fiscal officer, charged with the collection of the revenue from the land and other sources; he is also a Civil and Criminal Judge, both of first instance and in appeal. But his title by no means exhausts his multifarious duties. He does in his smaller local sphere all that the Home Secretary superintends in England, and a great deal more; for he is the representative of a paternal and not of a constitutional Government. Police, jails, education, municipalities, roads, sanitation, dispensaries, the local taxation and the imperial revenues of his District are to him matters of daily concern. He is expected to make himself acquainted with every phase of the social life of the

natives and with each natural aspect of the country. He should be a lawyer, an accountant, a surveyor, and a ready writer of State papers. He ought also to possess no mean knowledge of agriculture, political economy, and engineering.

The training of probationers after the competitive examination in Forestry and the cognate sciences should therefore not exceed twelve months, as in the case of the Civil Service probationers; and it should be specialised to meet Indian requirements so far as possible. Also, it should be given both at Oxford and at Cambridge, as might easily be arranged through the Boards of Indian Studies without further cost to the Government of India than is at present incurred in the "Delegation of Forestry Students" to Oxford, one Professor of Indian Forestry (and Adviser of India Office) being henceforth delegated to Oxford with a salary of £700 a year, and another to Cambridge with a salary of £500 a year. The specialised course should then embrace the following curriculum (the probationers being previously assigned to provinces, as is the case with Civil Service probationers), after which the selection and the seniority of candidates should be determined by an examination in the subjects of study to be held annually in June, on the completion of the academic year at Oxford and Cambridge :—

	Marks.
I.—*Indian Forestry* (the lectures being freely illustrated with lime-light illustrations)—	
1. History of Indian Forest Department; Sylviculture, Management, Protection, and Utilisation, as practised in the various provinces of India	400
2. Indian Forest Code of Procedure, Office Work, and Accounts	400
3. Indian Forest Law (India, Madras, and Burma Forest Acts), and the Rules and Regulations issued thereunder ...	400
II.—*Vernacular Languages*—	
1. Hindustani (colloquial and elementary, in Persian character only)	400
2. Chief Vernacular Language of the Province to which the Probationer is assigned (including the Nagari character and also a more advanced study where Hindustani alone is prescribed)	400

III.—*Cognate Sciences*, not more than one of the following subjects :—	
1. Botany	400
(1) Plant Physiology, or	
(2) Fungous Diseases of Forest Trees	
2. Zoology ; Forest Entomology	
3. Chemistry of Soil and Plant	
4. Physical Geography and Meteorology	

Selected candidates who pass this examination and are otherwise favourably reported on should be appointed to the Indian Forest Service, and should receive (like the Civil Service Probationers) a grant of £150 for the year of probation, with passage-money of £37. 10*s.* to Bombay, Madras or Calcutta, and £43 to Rangoon. And seniority in the service should be given according to the results of this final examination.

During the Easter Vacation at the University the probationers should be taken, at Government expense, for a tour in the Alpes Maritimes, the Pyrenees, and Gascony ; and after the final examination the selected candidates should in July and August be taken to visit the forests of the Vosges, the Black Forest, the forests of the Bavarian plateau and the Bavarian Alps, the Swiss mountain forests, and the spruce, beech, oak and pine forests of Hanover,—these being undoubtedly the European woodlands that are by far the most instructive to the Indian Forester.

If after their year of probation selected candidates appointed to the Indian Forest Service could conveniently, immediately on their arrival in India in November, be taken from Dehra for an extensive tour in the lower Tehri-Garhwal, Kamaon (Himalayan), and Siwalik forests, and in Oudh, it would certainly be very useful in introducing them to practical work in India, in accustoming them to camp life, and in getting them into touch with their new surroundings under the most favourable circumstances. And even if such a tour only lasted for

about four or five weeks, say, from about 15th November till near Christmas, it would help to prepare the young officers for entering on their duties in the New Year with a far better knowledge of, and preparation for, them than were ever enjoyed by their predecessors, the men who have during these last forty years made the Forest Department a well organised and efficient branch of our Administration in India.

J. NISBET.

Act. VI.—HISTORY OF JOURNALSM IN INDIA.

III.

I.—Bengal.

ON the 4th April 1823 Mr. John Adam's Rule, Ordinance and Regulation, received the sanction of the Supreme Court of Calcutta and as such, became law.* Accordingly the Calcutta newspapers were formally called upon to apply to the Government for licenses. On the 18th April following, a license was granted to Mr. John Francis Sandys, the editor, Messrs. John Palmer and George Ballard, the managing proprietors, and Mr. Peter Stone De Rozario, to publish the *Calcutta Journal.* But even before that, disagreements with the Government were not unfrequent. On the 8th April a letter signed "A young officer" was published in the *Calcutta Journal.* The Adjutant-General brought this letter to notice as a serious violation of the order of the 8th June 1822, and requested that the name of the author might be ascertained. On the 11th April Mr. Sandys stated that he was not in possession of the name of the author; that he had been ill, or the letter would not have appeared. On the same day, Mr. Sandys was informed that if the name of the author was not given up on the

* On May 23, 1825 James Silk Buckingham preferred an Appeal before the Right Honourable the Privy Council of His Majesty against Adam's Rule, Ordinance and Regulation. The Counsels for the Appellant were Mr. Denman and Mr. John Williams; those for the East India Company were Mr. Sergeant Bosanquet, Mr. Sergeant Spankie, Mr. Henry Brougham and Mr. Tindal. The Lords of the Privy Council, after hearing the most lengthy addresses from the Counsels of both sides, advised His Majesty to dismiss the Appeal of Mr. Buckingham. The natives of India, headed by Raja Ram Mohan Roy, presented a memorial against Adam's Press Regulations to the King of England, but without success. The proceedings of the Appeal as well as the memorial will be printed in the Appendix of Volume I.

following day, the circulation of the paper would be stopped. Mr. Sandys, on the 12th, expressed his willingness to take an affidavit that he did not know the author, and he was then informed that the journal would not be stopped, but that he must take the affidavit he had offered, and he was warned of the consequences he would entail on himself if he should persist in violating the Press Regulations. On the 15th April the affidavit, which had been called for, was submitted to the Government, and on the 17th he was required to give up the original manuscripts, and affidavits similar to that made by Mr. Sandys were ordered to be taken up by the person who had acted for him during his illness and from the person who took the letter out of the letter-box. On the 18th Mr. Sandys stated that the original manuscripts had been destroyed and that he had conceived that the letter which was written in a feigned hand and dropped into the letter-box, was written by an enemy of the *Calcutta Journal*. On the 23rd, the affidavits required in the letter of the 17th were furnished to the Government and the correspondence communicated to the Adjutant-General.

On the 12th May 1823, notice was given to Messrs. Palmer and Ballard, proprietors of the *Calcutta Journal*, that the article headed "Notorious Reviewer dissected" was an infringement of the Press Regulations, and a warning was given to them. On the 18th May seven articles were again brought to the notice of Messrs. Palmer and Ballard as infringements of the Press Regulations, and it was intimated that if the same course were pursued, a necessity would arise for taking measures seriously detrimental to the interest of the proprietors. The Government further required that the names of the British subjects employed in connection with the

paper should be communicated. Messrs. Palmer and Ballard enclosed an explanatory letter from Mr. Sandys, and they disclaimed any personal or particular interest in the paper. Mr. Sandys having in his explanatory letter communicated the names of the British subjects employed in connection with the paper, orders were issued to search the records to ascertain on what authority the parties were residing in India; and it was ascertained that Mr. J. C. C. Sutherland, one of the parties named by Mr. Sandys, had a license, but that the three others, Messrs. Sandford Arnot, Assistant Editor, Thomas Heckford, Book-keeper, and Frederick Blacker, Librarian, were residing without lawful authority.

On the 18th August 1823 Lord Amherst arrived in Calcutta as Governor-General relieving John Adam who reverted to the Supreme Council as Senior Member. We have seen how he was instructed to proceed against the Indian Press by his masters at the time of his nomination to the Governor-Generalship of India. Coming to India with a hostile attitude against the Indian Press, Lord Amherst tried his best to curtail its liberty as much as possible. On the 23rd September 1823, under his sanction, the following letter was sent to the proprietors of the *Calcutta Journal* informing them that his lordship had ordered the deportation of their assistant editor Mr. Sandford Arnot.

TO J. PALMER AND G. BALLARD, ESQ.

GENTLEMEN,—After the official communication made to you in my letter of the 18th July last and the recent assurances on the part of the conductors of the *Calcutta Journal* conveyed in Mr. Sandys' letter to your address of the 29th of that month the Right Hon'ble the Governor-General in Council

has noticed with surprise the following passages contained in the *Calcutta Journal* of the 30th ultimo, page 833 :—

"Our readers cannot but recollect the subject of the paper for which Mr. Buckingham was removed from India. The mention of this event is essential to our present argument; and we hope we may speak of it as a matter of history without offence, as we shall not express our opinion on it either one way or another. If it were not absolutely necessary we should not even allude to it; but in doing so we shall not for a moment forget the respect due to the established Laws and Government of the country. This article in question related to the appointment of Dr. Bryce as clerk to the Stationery Committee; and the part of it which is understood to have been so offensive to the Government as to determine Mr. Buckingham's transmission, was an allusion to the report of Dr. Bryce being the author of those letters placed in connection with his appointment to his secular office. Thus it appears Dr. Bryce's reputed authorship and pluralities were the cause of Mr. Buckingham's removal, and of the new laws which are in consequence established for the Press. But for him, this society might have continued in the enjoyment of all its former privileges nor have been deprived of one of its members. When those who watch with anxious expectation the progress of improvement in this country, and the spread of that Gospel which Dr. Bryce is commissioned to preach, consider the effects of these measures, it will be for them to award him the praise or censure which they think he has deserved."

2. The renewed discussion in the *Calcutta Journal* of the question of Mr. Buckingham's removal from India, after the correspondence which has so recently passed, is in itself disrespectful to the Government, and a violation of the rules prescribed for the guidance of the Editors, and the offence is greatly aggravated by the mode of treating the subject and by the manner in which the motives of the Government in removing Mr. Buckingham from India are grossly and wilfully perverted.

3. The passages in question marked by a double line which clearly impugn the motives of the Government in removing Mr. Buckingham from India would warrant the immediate recall of the license under which the *Calcutta Journal* is

published; but notwithstanding the just cause of displeasur afforded on this occasion, the Governor-General in Council is still unwilling from the considerations connected with the interests of those who share in the property, to have recourse to so extreme a measure, while it can be avoided.

4. His Lordship in Council cannot, however, pass over the present insult offered to Government with the mere expression of his displeasure, and he has resolved to adopt the following course:—

5. The article containing the offensive passages above quoted is professedly an Editorial article for which Mr. Sandys and Mr. Arnot, the avowed conductors of the paper, are clearly and personally responsible.

6. Mr. Sandys cannot be subjected to any direct mark of displeasure of Government suitable to the occasion and to the nature of the offence, which would not equally injure the interests of the sharers in the property; but Mr. Sandford Arnot is a native of Great Britain residing in India, without any license rom the Hon'ble the Court of Directors or other legal authority. The Governor-General in Council has accordingly resolved that Mr. Arnot be sent to England and that immediate orders be issued to give effect to the foregoing resolution.

7. The Governor-General in Council trusts that this measure will be sufficient to prevent any further violation by the conductors of the *Calcutta Journal* of the respect due to Government, and of the rules prescribed for the regulation of the periodical Press, and will render it unnecessary to have recourse to the ultimate measure of withdrawing the license under which the *Calcutta Journal* is now published.

GENERAL DEPARTMENT,
23rd September 1823.

I have, etc.,
W. B. BAYLEY,
Chief Secretary to Government.

Mr. Sandford Arnot first appealed to Lord Amherst for mercy, but was refused. On the expiry of one month from the date of the letter, that is, in the last week of October 1823, he was arrested and confined in the Fort William for being dispatched to England. A writ of *Habeas Corpus* was applied for him and was granted.

Getting liberty he fled to the Danish Settlement of Serampore where he was given up and was shipped on board the Company's chartered vessel the *Fame* going round by way of Bencoolen and not direct to England. From Bencoolen Mr. Arnot went to England afterward.*

In September 1823 there arrived from England a book called the "*Sketch of the History and Influence of the Press in British India*" by Leicester Stanhope. This pamphlet was reproduced verbatim in the *Calcutta Journal* for several weeks of time and was finished on the 30th October 1823. On the 10th November following, the *Calcutta Journal* was ordered to be suppressed. The following was the Government order :—

TO MR. JOHN PALMER AND MR. GEORGE BALLARD.

GENTLEMEN,—You were apprised by my official letters of the 18th July and 23rd September last, of the sentiments entertained by the Governor-General in Council, with regard to the repeated violation on the part of the conductors of the *Calcutta Journal* of the rules established by Government for the regulation of the periodical Press. The editor of the *Calcutta Journal* notwithstanding these communications, has, since, by the republication in successive numbers of that newspaper of numerous extracts from a pamphlet published in England, revived the discussion of topics which had before been officially prohibited, and has maintained and enforced opinions and principles which, as applicable to the state of the country, the Governor-General in Council had repeatedly discouraged and reprobated the extracts themselves so published, containing numerous passages which are in direct violation of the rules prescribed by Government under date the 5th April last.

The Right Hon'ble the Governor-General in Council has, in consequence, this day, been pleased to resolve that the license granted by Government on the 18th day of April 1823

* Mr. Sandford Arnot first came to Calcutta in July 1820 as an assistant to Buckingham. After his return to England, he moved the House of Commons to take his deportation into consideration for awarding compensation. A Committee sat and recommended him for compensation to the East India Company.

authorising and empowering John Francis Sandys and Peter Stone De Rozario to print and publish in Calcutta a newspaper called "*The Calcutta Journal of Politics and General Literature*" and supplement thereto, issued on Sundays, intituled and called "*New Weekly Register and General Advertiser of the Interior*" with heads of the latest intelligence, published as a supplement to the country edition of the *Calcutta Journal*, shall be revoked and recalled, and you are hereby and respectively required to take notice that the said license is resumed, revoked and recalled accordingly.

I am, gentlemen, your obedient servant,
W. B. BAYLEY,
Chief Secretary to Government.

COUNCIL CHAMBER,
10th, November 1823.

After the suppression of the *Calcutta Journal*, the proprietors, anxious to make the most of the property that remained, thought of reviving the paper. Accordingly Dr. William Pitt Muston,* a servant of the Government as a member of the Bengal Medical Board, and son-in-law of Mr. John Herbert Harington, one of the members of the Supreme Council, was selected as editor to give guarantee for the careful editing of the new paper. On the 28th November, Dr. Muston applied for a license to publish the new paper of which Messrs. J. Palmer and G. Ballard were proprietors, and Messrs William Pitt Muston and Peter Stone De Rozario publishers and printers. He in reply was informed that the Government would refrain from complying with his request, pending a reference to the Medical Board. On the 30th November, a notice of revival written by Mr. George Ballard, an intimate friend of the Chief Secretary, W. B. Bayley, headed "Revival of the *Calcutta Journal*" was published, as the

* Inventor of army ambulance *dooly*.

1st of December 1823 had been fixed for the re-appearance of the paper. But on the night before the day when the first number of the revived paper would appear, a letter was sent by the Government forbidding the appearance of the paper on the following morning and assigning the objectionable character of the notice as the sole reason of this step. On the 1st December, the Medical Board reported that the functions of Editor would not interfere with Dr. Muston's official duty, and on the 4th Dr. Muston was informed that from the tenor of the Medical Board's report, a license would probably have been granted him, but that it was withheld in consequence of the publication of the notice headed "Revival of the *Calcutta Journal*" which was deemed objectionable in having made an announcement inconsistent with fact, accompanied with reprehensible observations and affording reason to believe that Dr. Muston was not a free Agent. The letter to Dr. Muston concluded with a denial on the part of the Chief Secretary to Government, of the truth of the assertion that the publication had been forbidden on account of the name of the paper—the *Calcutta Journal*. In reply to this, Dr. Muston submitted a letter from Mr. George Ballard, dated the 12th December, on the 13th December, declaring that Dr. Muston should have the sole management of the new *Calcutta Journal* and requested again that a license might be granted him. On the 23rd December Dr. Muston was informed that the Government did not consider it advisable to comply with his request.

Finding the Government obdurate in refusing a license for the revival of the *Calcutta Journal* under the old proprietory, it was agreed between the proprietors of the *Calcutta Journal* and Dr. Muston that the

latter should take a lease of the types, buildings, etc., for a year and pay a given rent for their use, to conduct a paper of his own called the *British Lion*. Accordingly on the 29th January 1824, Dr. Muston wrote to the Government stating that he had an agreement for the lease of the Columbrian Press for one year to print and publish a paper of his own called the *British Lion* and requested a license to publish the paper. On the 30th January this request was refused on account of the temporary nature of the arrangement, which gave no security that Mr. Buckingham's influence might not predominate at the end of the twelve month.* On the 12th February Dr. Muston again applied for a license to publish a paper to be called the *Scotsman in the East* of which he was the sole proprietor. A license was this time granted, as Dr. Muston had no connection whatever with the press

* After this refusal, the proprietors of the *Calcutta Journal* were obliged to sell by auction, the types, presses and other plant of the suppressed paper. Of this auction sale, there is an account by J.C.C. Sutherland full of feeling and sentiment. On the 4th June 1834 James Silk Buckingham, then a member of the House of Commons, succeeded to appoint a Select Committee of the House of Commons to take into consideration the circumstances connected with the suppression of the *Calcutta Journal* in the year 1823 and the loss of property entailed on him in consequence of that measure and to report their opinion to the House as to whether any and what amount of compensation ought to be awarded to him for his losses on that account, in accordance with the petition presented to the House of Commons on the 9th May, 1826. The Select Committee sat on the 4th August 1834 to take evidence and finally resolved thus :—

4. That your Committee, without impugning the motives which actuated the measures of the Government, feel that those measures have, in their consequences, proved to Mr. Buckingham and his family, penal to a degree which could not have been contemplated at the time of their adoption.

5. That your Committee are therefore, of opinion that compensation ought to be made to Mr. Buckingham.

6 That your Committee abstain from expressing any opinion as to the amount of compensation in the hope that that subject will be taken into the favourable consideration of the East India Company, and thus the interposition of Parliament, in the next session, to fix such amount be rendered unnecessary.

The East India Company granted Mr. Buckingham a life-pension of £200 a year.

in which the *Calcutta Journal* was printed. On the 1st March, the *Scotsman in the East* first appeared, but was stopped at the end of September 1824 for want of support after being alive for seven months when the goodwill of the paper was sold to Mr. Samuel Smith of the *Bengal Hurkaru*, and the paper was amalgamated with the *Bengal Hurkaru*. Thus closed a memorable chapter of the Indian Press which was begun in 1818 by James Silk Buckingham.

The suppression of the *Calcutta Journal* gave very large additions of subscribers to the other existing newspapers of the time, especially to *John Bull*, the *Bengal Hurkaru** and the *India Gazette*. Mr. Peter Stone De Rozario, the printer of the *Calcutta Journal*, finding his principal occupation gone, started a small paper of one sheet, called the *Columbrian Press Gazette*.† In 1826 its name was changed into the *Bengal Chronicle*. On the 31st December 1824 the Government of Bengal informed the Court of Directors that censures had been passed on the following editors for violations of the Press Regulations, *viz.*, the editor of the *Bengal Hurkaru* on two occasions, the editor of *John Bull* on two occasions, and the editor of a native paper

* Under date Calcutta, 10th February 1824, J. C. C. Sutherland thus writes to Buckingham :—"The party who gains most at your cost is the owner of the *Hurkaru* Newspaper. You may recollect that on the suspension of the licence of the *Journal*, Mr. S. Smith proprietor of the *Hurkaru* volunteered and was employed to furnish *pro tempore* your subscribers with his paper. This arrangement at once made that paper productive; so much so that the owner has been enabled to induce Dr. Abel, the private physician to the Governor-General to accept the editorship on terms which I have heard, improve as the profits of the paper may increase."

† Towards the end of 1824 when J. C. C. Sutherland was employed in a confidential situation in the office of Messrs. Alexander and Company he was solicited to assist the proprietor of the *Columbrian Press Gazette*. He did so; the articles took, and the paper was published twice a week, and afterwards thrice a week. Sutherland then became editor, and the circulation rapidly increased. The name of the paper was changed into the *Bengal Chronicle* with the motto of *Floreat Libertas*.

in Calcutta. On the 31st March 1825, a censure was passed on the editor of the *Bengal Hurkaru*. On the 30th September 1825 and 3rd August 1826 censures were passed on the editor of the *Bengal Chronicle*. The Government had more than once objected to the freedom of the editors' observations and were particularly offended by a satirical article on a despatch relative to the island or rather sand-bank of Shapooree. They were also greatly irritated with the editor's allusion to their second warning, to which he applied the quotation of "And twice the brindled cat has mewed." At length the Government announced to the poor proprietor, Peter Stone De Rozario, that his paper would be suppressed on the 21st March 1827, but the editor, Mr. J. C. C. Sutherland, averted its misfortune by avowing the authorship of the most offensive articles and engaging to discontinue his connection with the paper. On this condition the *Bengal Chronicle** was permitted to continue.

On the 11th May 1826 Lord Amherst published a circular in the *Government Gazette* prohibiting the servants of the East India Company from having any connection with the public Press in any way. This was the first inhibition of the kind. The circular runs thus in full:—

FORT WILLIAM, GENERAL DEPARTMENT, the 11th May 1826:—The following extract from a Public General Letter from the Hon'ble the Court of Directors, bearing date the 30th December 1825, is published for the information of the Hon'ble Company's Servants on this Establishment.

* J. C. C. Sutherland was succeeded in the editorship of the *Bengal Chronicle* by Mr. William Adam, the famous Unitarian Missionary of America and Reporter on the Vernacular Education in Bengal. But as he and the proprietor of the *Bengal Chronicle* could not entirely agree, the *Bengal Chronicle* was sold to Mr. Samuel Smith of the *Bengal Hurkaru* of which it became a tri-weekly edition. A full history of the *Bengal Chronicle* will be found in Volume II.

"We feel it incumbent on us, from a regard to Public Interests to issue, in a circular to our Indian Governments, our positive prohibition against any person in our service, either civil, naval or military surgeons and chaplains included, connecting himself with any newspaper or other periodical journal (unless devoted exclusively to Literary and Scientific subjects) whether as editor, sole proprietor or sharer in the property."

"This order we shall enforce, if necessary, by dismissing from our Service those who may contravene it. And in regard to such as may have already formed connexions of this sort, we desire they may be immediately warned, that if the connexions are not dropt within six months after notice so given, they shall be held liable to the consequences of a breach of this prohibition, which you will publicly promulgate for the information of our servants. You will also report to us the names of the parties to whom this injunction may apply."

Published by Command of the Right Hon'ble the Governor-General in Council.

C. LUSHINGTON,
Chief Secretary to the Government.

It does not appear that this first inhibition was vigorously enforced by Lord Amherst as his attention about this time was very much occupied by his warlike operations in Burma and Bhurtpur. But in the following year, at the urgent call of Lord Combermere, Lord Amherst sanctioned the suppression of a Calcutta newspaper, called the *Calcutta Chronicle** on account of some of its remarks on the Calcutta Stamp Act. The order for suppression runs thus :—

MR. WILLIAM ADAM AND MR. VILLIERS HOLCROFT.
Proprietors of the *Calcutta Chronicle.*

GENTLEMEN,—The general tenor of the contents of the *Calcutta Chronicle* having been for some time past highly disrespectful to the Government and to the Hon'ble the Court

* The *Calcutta Chronicle* was started in January 1827 by Mr. William Adam after his separation from the *Bengal Chronicle.* J. C. C. Sutherland joined him as a co-partner and co-editor. The success of the paper surpassed the most sanguine expectations of the proprietors, but how it was brought to ruin is told above.

of Directors, and the paper of the 29th instant in particular comprising several paragraphs in direct violation of the Regulations regarding the Press, I am directed to inform you that the Right Hon'ble the Vice-President in Council (Lord Combermere) has resolved that the license granted to you (on the 25th January last) for the printing and publishing of the *Calcutta Chronicle* be cancelled, and it is hereby cancelled accordingly from the present date.

I am, etc.,

COUNCIL CHAMBER, *31st May 1827.*

C. LUSHINGTON,
Chief Secretary to Government.

After the suppression of the *Calcutta Chronicle*, its proprietors tried to revive it in some other form, but the Government refused to grant a license for any paper in lieu of that suppressed. On the 28th February 1828 a censure was passed on the editor* of the *Bengal Hurkaru*.

On the 10th March 1828 Lord Amherst left India and was succeeded temporarily by William Butterworth Bayley as Governor-General of India pending the arrival of Lord William Cavendish Bentinck. In July 1828 Lord Bentinck arrived in Calcutta and assumed the Governor-Generalship. He was a man of liberal propensity, and under his rule, Indian Journalism advanced by leaps and bounds. In December 1828, he nominated Dr. John Grant, a servant of the East India Company's Bengal Medical Establishment, to be Superintendent of the Government Press, notwithstanding the order of the Court of Directors as quoted above. Sir Charles Metcalfe, who was then a member of the Supreme Council, strongly supported Lord William Bentinck in this matter and wrote the following minute recording his opinion on the connexion of Government servants with the Press.

* Mr. J. C. C. Sutherland, who became editor of the *Bengal Hurkaru* towards the latter end of 1827.

1. I have the honour to concur in the Governor-General's proposal for the nomination of Mr. Grant to be Superintendent of the Government Press; and I trust that the reasons which induce his Lordship to recommend this deviation from the orders of the Court of Directors, will satisfy the Hon'ble Court of its expediency.

2. I cannot refrain from availing myself of this opportunity to express my regret at the tenor of those orders (already quoted) which entirely exclude the servants of the Company from any share in the exercise of the power of the Press.

3. That no person in high official station should have any share in the profits of a newspaper or any connection whatever with the political Press seems to be perfectly proper and unquestionable.

4. But that the only class of persons who feel any interest in the Company's Government should be utterly precluded from the employment of their talents in the operations of the Press, appears to be very impolitic.

5. The Press in India, although not free from restrictions, is sufficiently free to make it desirable that it should not fall exclusively into the hands of those who, however loyal as British subjects, are disaffected towards the Hon'ble Company; and that it will be generally engrossed by such persons, must be the natural effect of precluding the servants of the Company from taking any share in it.

6. Since the enactment of the local law by which newspapers are printed under a license revocable at pleasure, the proprietors and editors being responsible for the contents, it has been found expedient to admit a considerable latitude of discussion; nor can this be avoided without adopting one of the two courses either employing the extreme measure of extinction on every construed breach of regulation which would be harsh and excite public disgust—or entering into a continual expostulatory and inculpatory correspondence with the editors which would be quite derogatory and disreputable to the Government, and much more likely to bring it into ridicule and contempt than any freedom of discussion.

7. I take it as universally granted that the Press ought to be free and subject, of course, to the laws, provided it be not dangerous to the stability of our Indian Empire.

8. Should it ever threaten to become so, the Local Government ought undoubtedly to possess the power of protecting the safety of the State against this or any other danger, from whatever quarter it may come; because it is impossible in this distant region, that we can be protected on emergency by any enactments of the mother country.

9. But at present there is no symptom of danger from the freedom of the Press in the hands of either Europeans or Natives; and the power being reserved to provide for the public safety against any danger by which it may at any time be menaced, to crush what is itself capable of great good from an apprehension that it may possibly, under circumstances yet unconceived, be converted into an evil, would be a forecast more honoured in the breach than the observance.

10. Arguing, therefore, on the supposition that the Press is already in some degree free, that it is not desirable to strangle its growing liberty, the exclusion of the Company's servants from taking a share in the exercise of the power which that engine wields, appears to me to be the very reverse of expedient; and I much regret that the orders of the Court of Directors have not left employment in the Press open to all their servants, excepting those in high official stations, and especially to gentlemen in the medical line, on the indispensable condition that such employment should not be allowed to interfere with the due discharge of public duties.

C. T. METCALFE.

29th December 1828.

In 1829 the Calcutta paper, *John Bull*, began to attack the civil servants of the East India Company most unsparingly. Alarmed at these attacks, the East India Directors sent out peremptory orders forbidding public servants to have any connection with the public press and ordered Lord William Bentinck to enforce the order most vigorously.* In this year as well as in the following, the great agitation over the Half-Batta question

* In virtue of this prohibition, Dr. John Grant of the Bengal Medical Board, withdrew himself from the editorship of the *India Gazette* of Calcutta.

was surged up in the columns of the Indian Press in consequence of Lord William Bentinck's retrenchment policy as dictated to him by the Court of Directors. The Army gave full vent to their grievances in a manner highly disrespectful to the Government. Highly inflammatory writings were published appealing to the worst passions of the discontented soldiery. But Lord William Bentinck, excepting one instance, did not, in the least, pay any attention to these malevolent and outrageous writings. The following is taken from Public Letter from Bengal dated 22nd September 1830:—587—The attention of Government having been directed to an article in the *Bengal Herald* of the 1st August, 1829, commencing, "We solicit the attention of the Indian community and the British people and Parliament to the general orders in our columns of to-day, etc.," we directed our Secretary to express to the proprietor of that paper the displeasure with which we perused the editiorial comments on the general orders above referred to, as containing matters calculated to excite a spirit of mutiny and discontent in the minds of the European soldiery, to whose worst passions the mischievous and mistaken notions inculcated in that article were addressed, and to caution him against indulging in similar comments and observations in future. 588—The letter of the proprietor of the *Herald*, in reply, disclaiming, with expressions of regret at having incurred the displeasure of Government, the motives attributed to him in his remarks on the General orders alluded to, is also recorded on the proceedings of the same date." On the receipt of the final orders from the Court of Directors on this much-vexed question, dated the 8th and 22nd of September 1830, Lord William Bentinck addressed

the following circular letter to all the editors of newspapers in Calcutta from discussing that question :—

Circular Letters to the editors of *John Bull, Bengal Hurkaru and Chronicle, Bengal Chronicle, India Gazette, Government Gazette, Bengal Herald, Calcutta Literary Gazette, Oriental Observer, Mirror of the Press, Calcutta Domestic Retail Price Current and Miscellaneous Register.*

SIR,—I am directed by the Right Hon'ble the Governor-General in Council to acquaint you that you are prohibited from admitting into your paper any comments on the letter from the Hon'ble Court of Directors, No. 37, dated 31st March 1830, which will be published in general orders to the army in the *Government Gazette* of this day.

I am, etc.,
GEORGE SWINTON,
Chief Secretary to Government.

COUNCIL CHAMBER, }
8th September 1830. }

Before this prohibition went out, the members of the Supreme Council minuted on the expediency or otherwise of the measure. It will be seen from the following minutes that Lord William Bentinck and Mr. William Butterworth Bayley, forming a majority in Council, determined on sending the above circular to the Press in opposition to the opinion of Sir Charles Metcalfe.

MINUTE BY THE GOVERNOR-GENERAL DATED 6TH SEPTEMBER 1830.

The Hon'ble Court have directed the publication of their despatch, No. 37, conveying their final orders on the Half-Batta question.

With the final adjudication of this reference at home, it is much to be desired that no revival of former discussions should take place here, and that the tone of complaint deemed so objectionable, should not again be heard. To prevent as far as may be possible the

publication of remarks (the disrespectful nature of which may be too certainly anticipated) that this dispatch will call forth, it seems necessary that a prohibition should proceed from the Secretary to Government to all editors of papers, from admitting into their columns any observations whatever upon this official document.

I am aware that this recommendation exposes me to two charges: first, of omission, in not having, on the first appearance of discontent when the orders were originally published, adopted the measure which I now propose, for the purpose of preventing the publication of opinions and remarks tending to foment and keep alive the existing agitation, and extremely disrespectful towards the authorities from whence they emanated; secondly, of inconsistency, in now interfering with the liberty of the Press, of which I have been the advocate and with which, after the example of my predecessor, I have not meddled.

Upon the first point, many, I know, are of opinion that the public Press contributed greatly to the discontent. I see no reason for this opinion. The order itself, so many years the topic of discussion and of contention between the authorities in England and in India, was quite sufficient to excite universal dissatisfaction, and it is quite as clear that it could only be set at rest by a definite resolution of the superior authority. The Adjutant-General of the Madras army who was at the time at Calcutta, described the angry feeling and language so loudly expressed here, and all the signs of the times, to be precisely similar to those which prevailed before the Madras mutiny, and he anticipated a similar explosion. Let it be remarked that the mutiny *did* take place at Madras; and though there was not a shadow of liberty belonging to the Press there, the communication

and interchange of sentiment and concert was as general as if it had passed through the medium of a daily press, without the reserve which the responsibility of the editor more or less, requires for his own security. My firm belief is that more good than harm was produced by the open and public declaration of the sentiments of the army. There was vent to public feeling, and the mischief was open to public view ; and the result is so far confirmatory of the opinion here given, that no overt act took place. There is a great distinction to be made both in the nature of the offence itself, and in the treatment to be applied to it, between the expression of dissatisfaction on the first infliction of the supposed wrong and injustice, and the clamour and censure which should be cast upon the final and solemn adjudication of the governing power.

With respect to the second point, I retain my former opinion that the liberty of the Press is a most useful engine in promoting the good administration of the country, and in some respect supplies that lamentable imperfection of control, which from local position, extensive territory and other causes, the supreme Council cannot adequately exercise. But I have always said and thought, that as well with the liberty of the Press as of the subject, it was indispensable for the safety of the empire that the Governor-General in Council should have the power of suspending the one and of transmitting the other, whenever the safety of the State should call for the exercise of such authority. I think the present case an exception to the general rule. I apprehend no positive outrage or open violence to authority ; but I do apprehend the possibility of unmilitary and insubordinate language, highly discreditable to the character of the army, which the Government

could not overlook and which might end in a conflict between the Government and its officers, that could not fail to be attended with the greatest public inconvenience.

W. C. BENTINCK.

MINUTE BY THE HON'BLE WILLIAM BUTTERWORTH BAYLEY.

I have always entertained, and continue to entertain, the opinion that the unfettered liberty of the Press, as it exists in our native country, is totally unsuited to the present state of our dominion in the East, and that so long as the Press was subject to no other restraint than that arising out of the fear, on the part of the editors, of being punished for a libel by a court of law, it was in the power of factious individuals to disseminate the most mischievous reports through the public papers and injuriously to affect the influence and proper authority of Government over its own servants, its army and its native subjects.

So long as the power of Government effectually to suppress evils of such a description was disputed and denied, the question of the asserted freedom of the Press was felt to be one of vital importance, and that feeling led to many of the acts of interference with the Press which were directed by the Government at that period.

From the time, however, when the power of Government to control the Press was legally recognised and established, the motive and necessity for such frequent interference ceased. It was gradually withdrawn, and for several years past, the Press has practically been allowed almost perfect freedom. Although I neither think so highly of the advantages nor so lightly of the

mischiefs of a free Press in this country as the Governor-General and Sir Charles Metcalfe do, I yet attach so much importance to the former as to desire that the Press may remain unfettered, except in instances in which highly important interests of the State are likely to be compromised. The occasions for interposition, on that ground, have been, and are likely to be, rare; they form exceptions to the general rule; and when they do arise, the Government can immediately check the mischief by prohibiting the discussion of a particular question, altogether or during a specified period.

In this form the interference would operate like that of the censorship in the particular case, and no penalty would be imposed unless the prohibitory order were wilfully violated.

Entertaining the opinions above expressed on the general question, I have no hesitation in recording my concurrence in the proposition contained in the Governor-General's Minute of the 6th instant.

The public interests would, in my judgment, be exposed to very serious injury if the recent and final orders of the Hon'ble the Court of Directors, on the memorials from the officers of the Bengal army, were publicly canvassed in the same insubordinate spirit as was manifested when the original instructions were carried into effect.

That they would be so canvassed there can be no doubt; and we shall, in my opinion, best consult the interests of the army and of the Government by prohibiting the editors of papers from publishing any comments or remarks on the despatch conveying the final orders of the Court of Directors on the Half-Batta question.

W. B. BAYLEY.

6th September 1830.

Minute by Sir Charles Metcalfe.

I regret to see that it is the intention of the Governor-General to interfere with the liberty of the Press, on the occasion of the publication of the letter of the Hon'ble the Court of Directors, regarding the memorials of the officers of the army, on the subject of the Half-Batta reductions.

It appears to me that the intended measure will excite fresh feelings of disgust, which it is wholly unnecessary to create.

Hitherto the utmost freedom of discussion has been permitted on this subject, and generally on all subjects for years past; and I cannot see any difference between the present order of the Court and their former order, that should make it expedient to allow the one to be censured, and to prohibit all comment on the other; the former order was meant to be final as much as the present one.

I am persuaded that the freedom of discussion allowed in the Half-Batta question has been attended with good effects; it has afforded a vent for the expression of the feelings which a most unpopular measure excited; and it gave an assurance to those who conceived themselves injured that their complaints were at least made known and must attract attention.

I think on the present occasion that it will be infinitely better to allow anything to be said that can be said, than to furnish a new source of discontent, by crushing the expression of public opinion.

I do not apprehend that anything can be said worse than has already been published. The lenitive operation of time is producing its usual effect. The feelings which prevailed in the army are in some degree allayed; their complaints have been heard; their arguments are exhausted; and the subject is almost worn out.

The order of the Court of Directors is not altogether unexpected. Its publication may be followed by a few letters in the newspapers which will do no harm, and then the matter will finally subside. But the attempt to prevent the ebullition of any feeling will cause fresh irritation, and be construed as a new grievance.

Viewing the question more generally, it is, whether an arbitrary interference with the Press shall be substituted for the freedom which has for many years been allowed?

I have, for my own part, always advocated the liberty of the Press, believing its benefits to outweigh its mischiefs; and I continue of the same opinion.

Admitting that the liberty of the Press, like other liberties of the subject, may be suspended when the safety of the State requires such a sacrifice, I cannot, as a consequence, acknowledge that the present instance ought to be made an exception to the usual practice of the Government; for if there were danger to the State either way, there would be more, I should think, in suppressing the publication of opinions, than in keeping the valve open, by which bad humours might evaporate. To prevent men from thinking and feeling is impossible; and I believe it to be wiser to let them give vent to their temporary anger, in anonymous letters in the newspapers, the writers of which letters remain unknown, than to make that anger permanent by forcing them to smother it within their own breasts, ever ready to burst out. It is no more necessary to take notice of such letters now than it was before.

The Government which interferes at its pleasure with the Press becomes responsible for all that it permits to be published. We continually see in the Calcutta papers gross abuse of public authorities; and we answered to

the complaint of one that this Government did not interfere with the Press or something to that effect. I think that we made a similar assertion in a communication to the governor of a foreign settlement. How can we say such things at one time, and at another interfere with the Press, as it is now proposed to do?

If I could think it sound policy to shackle the Press I should prefer the steady operation of the censorship, or any fixed rule, to the occasional interference of the Government by its arbitrary will. Every letter addressed by the Government to the editor of a newspaper has always appeared to me to be derogatory to the Government; and the Bengal Government has been exposed to more ridicule from this sort of correspondence than from any other cause. It is true that the power now exists of converting ridicule into terror by the destruction of the property, but who can desire to see a newspaper impertinence brought to such an end? Even punishment has sometimes proved a farce, the real offender soon re-appearing in the field, with new honour as a pretended murderer.

For all these reasons, I object to the measure proposed, considering it preferable on every account to leave to the Press the uninterrupted enjoyment of its supposed freedom, and to the public the means which it now practically possesses of expressing its sentiments on all subjects, without any other restriction than those of law and discretion.

C. T. METCALFE.

6th September 1830.

In 1830 took place that tremendous financial crash which involved the great commercial houses of Calcutta in utter ruin. The famous Agency House, Messrs. Palmer and Company, was first to fall in this year, and

one by one, the others, Messrs. Mackintosh and Company, Alexander and Company, Cruttenden, Mckillop and Company, Fairlie, Fergusson and Company, Colvins, Bazett and Company, followed suit. Their failure involved the public in a loss of sixteen crores of rupees, not even two crores of which were recovered from their assets. Savings were deposited by the servants of the East India Company in the cherished expectation that they would enable them to return to close their lives in their native land; but at one fell swoop they saw their little all swallowed up, their prospects blasted and themselves left to prolong an unwilling and cheerless service, with broken spirits and minds soured by severe and unexpected disappointment. The effect of this financial collapse was terrible* upon Calcutta Journalism. *John Bull*, which was the property of Messrs. Cruttenden, McKillop and Company was sold and converted into the present *Englishman*. The *India Gazette*, which was owned by Messrs. Mackintosh and Company, was taken over by Dwarkanath Tagore and amalgamated with the *Bengal Hurkaru*. The latter owed Messrs. Alexander and Company seven lacs of rupees, and the *Calcutta Courier*, which was managed by an ex-partner of Messrs. Palmer and Company, became a moribund journal. In these dark days† Lord William Bentinck, be it said here to his

* Macaulay while residing in Calcutta in 1836 as Legislative Member wrote home thus :—"That tremendous crash of the great commercial houses which took place a few years ago has produced a revolution in fashions. It ruined one-half of the English society in Bengal, and seriously injured the other half. A large proportion of the most important functionaries here are deeply in debt, and accordingly the mode of living is now exceedingly quiet and modest. Those immense subscriptions, those public tables, those costly equipages and entertainments of which Heber, and others who saw Calcutta a few years back, say so much, are never heard of."

† J. H. Stocqueler when he started the *Englishman* in October, 1833, thus described the condition of Calcutta Journalism :—"Samuel Smith of the *Hurkaru* dared not tell Alexander and Co, they were scoundrels; he owed the House seven

credit, scrupulously avoided interfering with the liberty of the Press, and in all possible ways, encouraged its growth and prosperity. His Lordship's sympathetic attitude encouraged the Calcutta citizens, in the cold weather of 1835, to present a petition to him calling upon him to repeal the Press Regulations passed by Mr. John Adam in 1823. On the 27th January 1835, the Governor-General received the petition of the Calcutta community, and an official answer was returned saying that "the unsatisfactory state of the laws relating to the Press had already attracted the attention of his Lordship in Council, and he trusted that in no long time a system would be established which while it gave security to every person engaged in a fair discussion of public measures, would effectually secure the Government against sedition and individuals against calumny."

But in no long time Lord William Bentinck retired and returned to England, and Sir Charles Metcalfe, then Governor of Agra, took his place at the head of the Supreme Government. He was now "sovereign and master," indeed, and the opportunity for which he had long yearned to completely liberate the Indian Press was fairly before him. He also found that his Council, too, were ripe for immediate legislation on the subject. Macaulay, whose first great literary success had been a glowing panegyric on John Milton, was

lakhs of rupees. Wm. (William) Adam could not allow Mackintosh and Co. to be abused in the *India Gazette* for it had been their property; and George Prinsep who edited the *Courier*, was an ex-partner of the great house of Palmer and Co., Rogues all. Happily I had no such scruples. True, I had bought the effete *John Bull* (then edited by a Mr. Bignel, who always fell asleep at dinner before the cloth was removed) from the assignees of Cruttenden and Co., but though they would have *burked* the expression of opinions adverse to the Agency Houses, if they could, I knew that I was in a condition to bear their hostility and so opened the pages of the *Englishman* to the complaints of the sufferers—the destitute widow—the indigent orphan—all in fact who had lost their property (from the failure of the Agency Houses)."

then the Legislative Member of the Supreme Council, and as such, was not likely to be backward in giving all weight of his authority in furtherance of a measure for the bestowal on the people of the liberty of unlicensed printing. Accordingly Macaulay was asked by Sir Charles Metcalfe to draft an Act on the subject of the Indian Press applicable to the whole of India. With great enthusiasm, Macaulay entered upon the task, as he was himself an ardent advocate of popular liberty. At the meeting of the Supreme Council held on the 18th May 1835, Macaulay formally introduced the Bill and presented the minutes written upon the measure by the different members of the Council. Macaulay himself minuted thus on the Bill :—

"In the accompanying draft of an Act on the subject of the Press, I have attempted to embody what at several of our recent meetings appeared to me to be the general sense of the Council. It is difficult to conceive that any measures can be more indefensible than those which I propose to repeal. It has always been the practice of politic rulers to disguise their arbitrary measures under popular forms and names. The conduct of the Indian Government with respect to the Press has been altogether at variance with this trite and obvious maxim. The newspapers have for years been allowed as ample a measure of practical liberty as that which they enjoy in England. If any inconveniences arise from the liberty of political discussion, to those inconveniences we are already subject. Yet while our policy is thus liberal and indulgent, we are daily reproached and taunted with the bondage in which we keep the Press. A strong feeling on this subject appears to exist throughout the European community here, and the loud complaints which have lately been uttered are

likely to produce a considerable effect on the English people, who will see at a glance that the law is oppressive, and who will not know how completely it is inoperative. To impose strong restraints on political discussion is an intelligible policy, and may possibly, though I greatly doubt it, be in some countries a wise policy. But this is not the point at issue. The question before us is not whether the Press shall be free, but whether, being free, it shall be called free. It is surely mere madness in a Government to make itself unpopular for nothing; to be indulgent, and yet to disguise its indulgence under such outward forms as bring on it the reproach of tyranny. Yet this is now our policy. We are exposed to all the dangers—dangers I conceive greatly over-rated—of a free Press; and at the same time we contrive to incur all the opprobrium of a censorship. It is universally allowed that the licensing system, as at present administered, does not keep any man who can buy a press from publishing the bitterest and most sarcastic reflections on any public measure or any public functionary. Yet the very words "license to print" have a sound hateful to the ears of Englishmen in every part of the globe. It is unnecessary to enquire whether this feeling be reasonable, whether the petitioners who have so strongly pressed this matter on our consideration would not have shown a better judgment if they had been content with their practical liberty, and had reserved their murmurs for practical grievances; the question for us is not what they ought to do, but what we ought to do; not whether it be wise in us to incur odium unaccompanied by the smallest accession of security or of power. One argument only has been urged in defence of the present system. It is admitted that the Press of Bengal has

long been suffered to enjoy practical liberty, and nothing but an extreme emergency could justify the Government in curtailing that liberty. But, it is said, such an emergency may arise, and the Government ought to retain in its hands the power of adopting in that event the sharp, prompt, and decisive measures which may be necessary for the preservation of the Empire. But when we consider with what vast powers, extending over all classes of people, Parliament has armed the Governor-General in Council, and in extreme cases, the Governor-General alone, we shall probably be inclined to allow little weight to this argument. It seems to be acknowledged that licenses to print ought not to be refused or withdrawn except under very peculiar circumstances, and if peculiar circumstances should arise, there will not be the smallest difficulty in providing measures adapted to the emergency. No Government in the world is better provided with the means of meeting extraordinary dangers by extraordinary precautions. Five persons who may be brought together in half an hour, whose deliberations are secret, who are not shocked by any of those forms which elsewhere delay legislative measures, can, in a single sitting, make a law for stopping every Press in India. Possessing as we do the unquestionable power to interfere, whenever the safety of the State may require it, with overwhelming rapidity and energy, we surely ought not in quiet times to be constantly keeping the offensive form and ceremonial of despotism before the eyes of those whom nevertheless we permit to enjoy the substance of freedom. It is acknowledged that in reality liberty is and ought to be the general rule, and restraint the rare and temporary exception. Why then should not the form correspond with the reality? Why should our laws be so framed as to make it appear that

the ordinary practice is in the highest degree oppressive, and that freedom can be enjoyed only by occasional connivance? While this system is established in the Presidencies of Fort William and Agra, and in that part of the Presidency of Bombay which lies beyond the jurisdiction of the Supreme Court, a system open to objections not less serious, but of a very different kind, prevails throughout the Presidency of Fort St. George. In that part of India every man who chooses is at liberty to print and publish, and it is very difficult to bring the fact of printing or publication home to him. Thus, while the inhabitants of one province are complaining of the tyrannical restrictions which our laws impose on the Press, the inhabitants of another province suffer from the irresponsible licentiousness of the Press. The editor of a newspaper at Calcutta must have a license from the Government. The editor of a newspaper at Madras may excite his fellow-subjects to the most criminal enterprises, or may destroy the peace and honour of private families, with small risk of being convicted before any legal tribunal. The Act which I now propose is intended to remove both evils, and to establish a perfect uniformity in the laws regarding the Press throughout the Indian Empire. Should it be adopted every person who chooses will be at liberty to set up a newspaper without applying for a previous permission. But no person will be able to print or publish sedition or calumny without imminent risk of punishment.

T. B. MACAULAY.

CALCUTTA, *16th April.*

MINUTE BY THE HON'BLE THE GOVERNOR-GENERAL.

The reasons which induced me to propose to the Council the abolition of the existing restrictions on the

Press in India accord entirely with the sentiments expressed by Mr. Macaulay in the minute accompanying the draft of an Act, which at our request, he has had the kindness to prepare with a view to give effect to the unanimous resolution of the Council. Those reasons were as follows: first, the Press ought to be free, if consistently with the safety of the State it can be. In my opinion it may be so. I do not apprehend danger to the State from a free Press; but if danger to the State should arise the Legislative Council has the power to apply a remedy; second, that the Press is already practically free, and that the Government has no intention to enforce the existing restrictions, while we have all the odium of those restrictions, as if the Press were shackled. It is no argument in favour of the continuance of these unpopular restrictions that they may at any time be enforced, for if restrictions should be necessary to ward off danger from the State, they may be imposed and enforced instanter; third, that the existing restrictions leave room for the exercise of caprice on the part of the Governments in India. Our Council or our Governor may be for leaving the Press free; another may be for restraining it. There is no certain law, and anyone connected with the Press might be any day subjected to arbitrary and tyrannical power for any slight violation of rules, the total violation of which has been long tacitly sanctioned; fourth, the different state of the law, or the want of any law, at the other Presidencies, renders the enactment of some general law for all India indispensable. To extend the odious and useless restrictions which now exist is out of the question; and no law, in my opinion, could be devised with any good effect except a law making the Press free. We are much indebted to Mr. Macaulay for the Act which he

has had the goodness to prepare for us. The penal provisions which it contains have been already partially discussed, and will come more fully under consideration of the next Council. They are, I conclude, unavoidable; but they show how much easier it is to rescind laws than to make them, for while the existing restrictions are got rid of in a few words, we are compelled to make a long enactment for the sole purpose of making printers and publishers accessible to the laws of the land.

C. T. METCALFE.

CALCUTTA, *17th April.*

MINUTE BY THE HON'BLE H. T. PRINSEP.

The Governor-General has summed up so very clearly the arguments for repealing the existing laws for licensing and restraining the Press, that I have only to subscribe my entire concurrence in them. But I do not go quite so far as to say broadly and without reserve that I do not apprehend danger to the State from the Press of India being free. I see no immediate danger in the present state of things, nor is the future danger such as the existing laws would provide for better than laws made specially for the purpose when the danger threatens. But I think the eye of the Government will require to be kept continually upon the Press, and especially upon the native Press, for it is capable of being made an engine for destroying the respect in which the Government is held, and so of undermining its power. Our Government in India has been called a despotism, but it is far from being so in as much as it is bound by strict laws and is subject to an ever active responsibility to other authorities. Still, so far as concerns our native subjects, they have no voice in determining those laws nor in settling the constitution of the Government which rules them. If it were

supposed that our power in India is quite independent of the state of the people's affection towards us,—that the machine of Government could do its work, maintain the army in discipline and efficiency, collect the revenues, administer justice, and provide a vigilant and not tyrannical police, even in the extreme case that all the population had turned against us, then indeed might we be indifferent to the workings of the Press. But no one goes this length, even in hypothetical argument; and therefore it is that I do not contemplate without apprehension, the encouragement of the growth of a native Press, which, judging from the spirit of discontent produced by our first experiments in the work of education, threatens to be hostile. At present this Press is nothing, and the controlling or influencing it would be an easy task were Government disposed to direct its efforts to do one or the other; but if we let it grow till the danger from it is imminent, we may then find it a giant to wrestle with. So long as discussion is carried on in English, it is no more formidable than similar discussions in England and America. The Government will have its advocates as well as its assailers, and considering that a large proportion of the best informed of those who mix in the controversy will be employés of the State, intrusted in maintaining it as an object of respect, I have little fear of the spirit that would prevail, or of the effect of having this branch of the Press entirely free. But the case is not quite the same with the native Press, it may take a malignant turn calculated and designed to set the whole population against us. The Government cannot then depend on having its cause fairly stated, and much mischief may be done before the public authorities hear of what is going forward or think of providing remedies. In the peculiar position

in which the governing authority stands in India, and with reference to the state of feeling and of society amongst the people, I confess I think there is wisdom in the dictum ascribed to one of the warmest advocates of the people's rights, now at the head of the legal profession in England. "When you have a free Press on board of a man-o'-war, then you may think of giving one to India." I dread that in its consequences, the native Press may be subversive of good order and discipline; but the experiment has been commenced of having this Press free, and we have, therefore, now only the choice of endeavouring to influence it, and to give it a proper direction, or of abiding the result, leaving it to pursue its own course, in the confidence that we shall be strong enough to cope with it when we see danger. The late Governor-General appears to have looked upon the existing Press laws of this Presidency as good materials to have available in case the necessity should arise for State interference with the Press. Therefore, although himself the last person to think of acting under them, and withdrawing any newspaper license for attacks on the Government or its officers, he would not deprive his successors of the means of controlling the Press if they should be disposed to use it. I fully participate in the feeling that it would be wrong to take any step calculated to tie up the hands of the Government hereafter, or to deprive it of any of its authority in such a matter. If there were doubts whether upon the repeal of these laws the Government could obtain the *registration* of new, when the occasion for interfering might arise, I should be the last to consent to any abandonment of what had been gained. But none of these forms are necessary now, for, as is forcibly put by Mr. Macaulay, the Legislative Council has but to

decide, and a law suitable to any emergency can be produced in a day. Instead, therefore, of the hands of Government being tied up, and its powers weakened by the course recommended, the repeal of the existing laws will be but a clearing away of the rubbish and preparation of the ground for any new edifice of legislation that the wisdom of future governors may determine to erect. I have before said that it is the possible direction that may be given to the native Press that I look upon as the source of evil to be guarded against, and that the existing press laws are not calculated to be of any use either in controlling this direction or in providing the necessary means of restraint when the Government may desire to interpose authoritatively to correct effects produced by this press. Looking upon these laws, therefore, to be inefficient, as they are inoperative, for any good purpose, present or future, I assent without scruple to the proposition for their repeal, leaving future measures, so far as concerns the security and protection of the Government against the Press, to be determined hereafter as circumstances may arise to call for legislation or other interference. It was resolved that the Act for the repeal of the existing press regulations should contain provisions calculated to assist persons aggrieved in bringing offences of the Press to trial according to the existing laws and in the established tribunals. For this purpose I understood it to be intended, first, to require the printer's name and the place of printing to be entered in every book, pamphlet or paper printed; also, secondly, to require that the name of the printer and publisher of every periodical should be delivered in under declaration to he Magistrate, which declaration, or an *attested copy of it*, was to be received in the civil and criminal courts as

evidence sufficient to fix the responsibility for any libel that might appear in the periodical; and, thirdly, to require a copy of every periodical to be forwarded to some office in Calcutta, Madras, and Bombay (where the Supreme Courts are), to be there forthcoming to be produced as evidence of the publication. This is essential for the difficulty of getting witnesses from Agra and Delhi to prove publication, these will otherwise operate to exempt libellers from all responsibility in the Supreme Courts which if they are British subjects ought, of course, not to be. The draft prepared by Mr. Macaulay provides only for one of these three points, *viz.*, the declaration of the printer and publisher's names in respect to periodicals, but the other two are not less necessary for the security of individuals, and I would submit ought not to be omitted. I reserve for the discussion of the next meeting of Council the observations I may have to offer in respect to the particular provisions of the draft and the penalties by which the rules are proposed to be enforced. At present I have merely to remark that the forfeiture of *all* property for a second offence of printing and publishing, or causing to be printed and published, without declaration as proposed at the end of the second section, will be like the crime a felony according to the antiquated rules of English law, which surely must be more than is intended.

(Sd.) H. T. PRINSEP.

CALCUTTA, *17th April 1835.*

MINÚTE BY THE HON'BLE A. ROSS.

The reasons stated in the Governor-General's Minute which induced him to propose the abolition of the existing regulations respecting the Press, and the arguments contained in Mr. Macaulay's Minute on the subject, are to my mind decisive in favour of the abolition.

I do not, with Mr. Prinsep, apprehend any danger from the native press in consequence of the abolition. On the contrary I think the native press under a law, which having it free, provides for its conductors being known and responsible to the courts of justice for what they publish, is likely to aid greatly in preventing danger by exposing and counteracting the practice, known to be resorted to by ill-disposed persons in this country, of circulating seditious manuscript papers anonymously.

[*No date.*] (Sd.) A. Ross.

MINUTE BY THE HON'BLE LT.-COL. MORISON.

I fully concur in the expediency of a new Press Regulation, considered as an enactment for rescinding another which has become obsolete in Bengal, and providing for the want of any such regulation at the presidencies of Madras and Bombay. I could wish, however, that the proposed draft should provide some means of applying a speedier remedy to the abuse of the Press on any emergency when the Governor-General might be absent from his Council, or when there might be an urgent necessity for the Government of any of the presidencies to act without the delay of a reference to the Governor-General of India in Council. I think, then, that it should be declared that although it is meant that the offences of the Press should in general be liable only to the cognizance of the courts of law, the Government will retain the power of instantly suppressing any publication, if it should at any time appear to risk the safety of the State ; and it would appear but fair to the public that the powers which Government may intend to exercise in cases of emergency should be at once declared and understood. I, therefore, submit that a clause may be added to the proposed enactment to meet

this object. Whether the strong opinions recorded by the late Sir Thomas Munro* on the subject of the Press in India be correct or otherwise, time alone can determine. I am, however, so deeply impressed with the wisdom and foresight of that eminent person, that I think his opinions on this subject deserve on the present occasion the greatest consideration. What he most apprehended was the effect which would probably be gradually produced on the minds of the native army, and I confess that I am not free from the same apprehension. The native press in particular will not fail to furnish materials to interest the feelings of that army, and I am enabled to show from the accompanying copy of a native paper† published at Madras that there would probably be a demand for such papers in the native ranks, if the expense of postage were not at present a bar to their transmission to regiments. If then the native press is to be free (as I conclude it is intended) and subject to no other restraint than the English, I would recommend that it should be made the duty of some responsible officer to watch its operations and be acquainted with all its proceedings. I submit these suggestions with the utmost deference, and beg to explain that my sole purpose is that we may possess at all the presidencies the immediate means of preventing evil results, without checking any useful operation of the press, but without the delay which might arise from being obliged to have recourse to the consideration and preparation of a legislative enactment, probably when too late. My suggestions, I am well aware, may be viewed as at variance with the spirit of the times, but they

* His minute of the 12th April 1822. It will be reproduced in the Chapter on the history of Madras Journalism.

† *Carnatic Chronicle* No. 147 of the 3rd September 1834.

appear to me to be called for by the peculiarity of our position in this country, which I consider the main object to be kept in view. The Press is already virtually free, and I am sensible that it must so remain, unless some great event should arise to render it manifestly necessary to place it under some new restraint beyond what is now proposed; but I am of opinion that the most likely mode of preventing the necessity of having recourse sooner or later to that measure will be to provide, in the first instance, that all printers and publishers shall be made clearly aware of the existence of the power inherent in the Government, of instantly putting a stop to the operations of any press, whenever it may become the vehicle of sedition or of discussions manifestly dangerous to the public tranquillity. This is a power which the Government never can relinquish, and I think it would only be just to ourselves and to all parties that there should not exist any grounds for misconception in so important a matter.

W. MORISON.

CALCUTTA, *25th April 1835.*

MINUTE BY THE GOVERNOR-GENERAL in reply to the above.

Colonel Morison proposes the addition of a clause to the proposed press law declaring that the Government will retain the power of instantly suppressing any publication, if it should at any time appear to risk the safety of the State; and that this power shall be common to the Governments of all the Presidencies.

2. It does not seem to me that such a clause is either necessary or expedient.

3. The power of providing for the safety of the State is inherent in the Legislature and the Government

of every country. It is not probable that the safety of the State would be endangered so suddenly by any operations of the Press as not to afford time to the Legislative Council to apply a remedy; but if such an extreme case of sudden and imminent danger can be conceived, what Government would hesitate to protect itself until the Legislature of India could provide for the case.

4. To declare that such a power is retained is not only unnecessary but would convey to the public and to the subordinate Governments a notion that occasions for the exercise of arbitrary power were expected, and its exercise would not be deemed extraordinary. If I mistake not, our object is to subject the Press exclusively to the laws, and to prevent the exercise of arbitrary power, which cannot be conferred consistently with any limitation to the effects of caprice or false alarm.

5. Were we to adopt Colonel Morison's proposition, the power of the Government over the Press would be made by law more despotic than it now is. Our proposed Press law does not confer any additional freedom on the Press either at Madras or Bombay, as to the Presidencies which enjoy already, the one by law and the other by the absence of law, the same degree of freedom that it is now proposed to extend to Calcutta, and one of them an entire irresponsibility. Any degree of liberty short of that which our law proposes to grant, would be the imposition of restraint at two out of the four Presidencies, and throughout the territories subject to the Madras Government.

6. Colonel Morison also proposes that it should be made the duty of some responsible officer to watch the operations, and be acquainted with the proceedings of the native press.

7. I think that in all our legislation we ought to be very careful not to make invidious distinctions between European and native subjects. As the proposed law now stands, it will be an act of grace, confidence and conciliation towards all; and may be expected to produce the effect which such acts are calculated to produce. But if it were alloyed by enactments indicating distrust towards our native fellow subjects, the effect could not fail to be bad on their minds. We should be telling them that we calculated on their disaffection, and dreaded the effect of free discussion. Before we follow such a course, we ought, I conceive, to wait for proof that it is necessary. The native press has for years been as free as the European, and I am not aware that any evil has ensued. It is not certain that the effect of free discussion on the minds of the natives must be wholly and solely bad. It may in many respects be otherwise. It may remove erroneous and substitute just impressions. Along with equal legislation and the establishment of equal rights it may serve to promote union with them. It may make the Government better acquainted with their feelings, and better able to provide for their wants and their happiness. Disaffection and sedition will operate, I believe, with more concealed weapons than an open and free press, under the guidance of responsible persons amenable to the laws, from which I do not apprehend that we have anything to fear, unless we must necessarily fear the progress of knowledge; but do what we will, we cannot prevent the progress of knowledge, and it is undoubtedly our duty to promote it whatever may be the consequences. It is quite unnecessary to take any measures to watch the proceedings of the native press. They will soon bring themselves to our notice if they require any peculiar

precautions. The present is not a new experiment. It is merely a continuance of one which has been practically tried without any bad effect for several years.

8. I am, therefore, of opinion that any restraint on the native press beyond what is imposed on the European would be injudicious ; and that any restraint on either, beyond that of the laws, is not requisite. The Act proposed will be productive of good by giving general satisfaction and promoting knowledge. Admitting that in other respects its ultimate consequences cannot be with certainty predicted, I see no reason to anticipate that they must be injurious ; and think it will be time to check what is in itself good when we see that it is likely to produce bad effects, and that we cannot do good with impunity ; but if our rule in India is to come to that, we may be sure that we cannot long retain it. A tenure dependent on attempts to suppress the communication of public opinion could not be lasting ; both because such a tenure must be rotten and because such attempts must fail.

(Sd.) C. T. METCALFE.

CALCUTTA, *27th April 1835.*

I entirely concur in the opinions expressed by the Governor-General in the foregoing minute.

(Sd. A. ROSS,
T. B. MACAULAY.

I beg to submit that it was not my intention to propose any legislative restraint on the native press more than on the European. It appeared to me that the operations of the former were more likely to pass unobserved by Government than the latter, and therefore that some arrangement for watching the progress

and effect of those operations might be advisable in the one case which was not required in the other, but I did not mean to suggest, nor do I conceive it necessary, that any provision for this purpose should be introduced into the law which it is proposed to enact.

(Sd.) W. MORISON.

The Act passed by Sir Charles Metcalfe on the unanimous support of his Council was as follows :—

ACT NO. XI. of 1835.

Passed by the Hon'ble the Governor-General of India in Council on the 3rd August 1835.

I.—Be it enacted, that from the fifteenth day of September 1835, the four Regulations, hereinafter specified, be repealed.

1st.—A Regulation for preventing the establishment of Printing-presses, without license, and for restraining under certain circumstances, the circulation of printed books and papers, passed by the Governor-General in Council on the 5th April 1823.

2nd.—A Rule, Ordinance, and Regulation for the good order and Civil Government of the Settlement of Fort William in Bengal, passed in Council 14th March, Registered in the Supreme Court of Judicature 4th April 1823.

3rd.—A Rule, Ordinance, and Regulation for preventing the mischief arising from the printing and publishing Newspapers and Periodical and other books and papers by persons unknown, passed by the Hon'ble the Governor in Council of Bombay, on the 2nd day of March 1825, and Registered in the Hon'ble the Supreme Court of Judicature at Bombay, under date the 11th May 1825.

4th.—A Regulation for restricting the establishment of Printing-presses and the circulation of printed books and papers, passed by the Governor of Bombay in Council on the 1st of January 1827.

II.—*1st.*—And be it enacted, that after the said fifteenth day of September 1835, no printed Periodical work whatever, containing public news or comments on public news, shall be

published within the Territories of the East India Company, except in conformity with the rules hereinafter laid down.

2nd.—The Printer and the Publisher of every such Periodical work shall appear before the Magistrate of the jurisdiction within which such work shall be published and shall make and subscribe in duplicate the following declaration :—

"I, A. B., declare that I am the Printer (or Publisher, or Printer and Publisher) of the Periodical work entitled———— and printed (or published, or printed and published) at ————." And the last blank in this form of declaration, shall be filled up with a true and precise account of the premises where the printing or publication is conducted.

3rd.—As often as the place of printing or publication is changed, a new declaration shall be necessary.

4th.—As often as the Printer or the Publisher, who shall have made such declaration as is aforesaid, shall leave the Territories of the East India Company, a new declaration from a Printer or Publisher resident within the said Territories, shall be necessary.

III.—And be it enacted that whoever shall print or publish any such Periodical work, as is hereinbefore described, without conforming to the rules hereinbefore laid down, or whoever shall print or publish, or shall cause to be printed or published any such Periodical work, knowing that the said rules have not been observed with respect to that work, shall, on conviction, be punished with fine to an amount not exceeding Five Thousand Rupees, and imprisonment for a term not exceeding two years.

IV.—And be it enacted that each of the two originals of every declaration so made and subscribed, as is aforesaid, shall be authenticated by the signature and official seal of the Magistrate before whom the said declaration shall have been made, and one of the said originals shall be deposited among the records of the office of the said Magistrate, and the other original shall be deposited among the records of the Supreme Court of Judicature, or other King's Court within the jurisdiction of which the said declaration shall have been made. And the Officer in charge of each original shall allow any person to inspect that original on payment of a fee of One Rupee, and

shall give to any person applying a copy of the said declaration attested by the Seal of the Court which has the custody of the original, on payment of a fee of Two Rupees.

V.—And be it enacted, that in any legal proceeding whatever, as well Civil as Criminal, the production of a copy of such a declaration, as is aforesaid, attested by the Seal of some Court empowered by this Act to have the custody of such declarations, shall be held (unless the contrary be proved) to be sufficient evidence, as against the person whose name shall be subscribed to such declaration that the said person was Printer, or Publisher, or Printer and Publisher (according as the words of the said declaration may be) of every portion of every Periodical work whereof the title shall correspond with the title of the Periodical work mentioned in the said declaration.

VI.—Provided always that any person who may have subscribed any such declaration as is aforesaid, and who may subsequently cease to be the Printer or Publisher of the Periodical work mentioned in such declaration, may appear before any Magistrate and make and subscribe in duplicate the following declaration :—

"I, A. B., declare that I have ceased to be the Printer (or Publisher, or Printer and Publisher) of the Periodical work entitled———. And each original of the latter declaration shall be authenticated by the Signature and Seal of the Magistrate before whom the said latter declaration shall have been made, and one original of the said latter declaration shall be filed, along with each original of the former declaration :—and the Officer in charge of each original of the latter declaration, shall allow any person applying to inspect that original on payment of a fee of One Rupee, and shall give to any person applying a copy of the said latter declaration attested by the Seal of the Court having custody of the original, on payment of a fee of Two Rupees :—and in all trials in which a copy, attested as is aforesaid, of the former declaration, shall have been put in evidence it shall be lawful to put in evidence a copy, attested as is aforesaid, of the latter declaration : and the former declaration shall not be taken to be evidence that the declarant was

at any period subsequent to the date of the latter declaration, Printer or Publisher of the Periodical work therein mentioned.

VII.—And be it enacted, that every book or paper printed after the said fifteenth day of September 1835, within the Territories of the East India Company, shall have printed legibly on it, the name of the Printer and of the Publisher, and the place of printing and of publication; and whoever shall print or publish any book or paper otherwise than in conformity with this rule, shall, on conviction, be punished by fine to an amount not exceeding Five Thousand Rupees, and by imprisonment for a term not exceeding two years.

VIII.—And be it enacted, that after the said fifteenth day of September 1835, no person shall, within the Territories of the East India Company, keep in his possession any Press for the printing of books or papers who shall not have made and subscribed the following declaration before the Magistrate of the jurisdiction wherein such Press may be; and whoever shall keep in his possession any such Press without making such a declaration, shall, on conviction, be punished by fine to an amount not exceeding Five Thousand Rupees, and by imprisonment for a term not exceeding two years.

"I, A. B., declare that I have a Press for printing at——." And this last blank shall be filled up with a true and precise description of the premises where such Press may be.

IX.—And be it enacted, that any person who shall, in making any declaration under the authority of this Act, knowingly affirm an untruth, shall, on conviction thereof, be punished by fine to an amount not exceeding Five Thousand Rupees, and imprisonment for a term not exceeding two years.

The above Act with all its proceedings was sent home on the 18th May 1835 for the information and approval of the Court of Directors. At first the home authorities took the establishment of a free Press in India strangely to heart and there was a disposition on their part to reject the Act by which it was effected. An angry debate took place at the East India House, and the end of their debate took the shape of the

following despatch condemning the measure and calling the Governor-General's Council to consider the propriety of its repeal.

LEGISLATIVE DEPARTMENT, *dated 1st February (No. 1) 1836.*

Our GOVERNOR-GENERAL of INDIA in COUNCIL.

1. We now reply to your letter, in the Judicial Department, dated the 18th May 1835, in which you refer to us the proceedings relative to an Act of the Indian Legislature, for removing all restrictions on the Press. The Act was read in Council on the 27th of April, was published in the *Gazette* two days after for general information, and was to be read again on the 1st of August with a view to being passed into a law.

2. This proceeding is in all opposition to all our previous orders, to the solemn decisions both of the Supreme Court at Calcutta and of His Majesty's Privy Council delivered in both cases, after full arguments on both sides of the question, to the recorded opinions of all preceding Governments of Bengal, Madras, and Bombay, and more especially to the carefully considered measures of Lord William Bentinck and Sir Frederick Adam for extending the Licensing Regulation to Madras.

3. We are compelled to observe that this proceeding must be considered the more unjustifiable inasmuch as it has been adopted by a Government only provisional; and also, when a Commissioner for framing a code of laws for the three presidencies, was about to commence its important labours.

4. We must further remark, that, after an attentive perusal of the minutes recording the opinions of the Governor-General and of the Members of Council, we find no sufficient reasons assigned for the step now taken, nor any facts whatever brought to our notice upon which we might be enabled to form a right judgment. We look in vain for any detailed account of the actual condition and character of the Press, whether British or native. We have no statement of the aggregate number of or individual sale of the respective newspapers, of the general or particular mode in which they are conducted, of the influence, whether increasing or decreasing, which they may be said to exercise over the British and Indian community. Instead

of such obviously indispensable information we are furnished only with the dogmatical assertion of certain principles which may be admitted. and indeed are never denied with reference to one state of society and which amounts to mere idle declamation when applied to another.

5. Nor do you allege the existence of any real grievance the redress of which might justify your proceeding. On the contrary, your Legislative Councillor informs us that "the newspapers have for years been allowed as ample a measure of practical liberty as that which they enjoyed in England," and the only apprehension entertained seems to be, lest the due influence of Government should be weakened by incurring odium for a law never put in force, an apprehension arising from no facts with which you have made us acquainted, and prompted, as it would appear, rather by an unwise desire for temporary praise than a fear of just and lasting blame.

6. We have, moreover, to remark that two of the Members of your Council anticipate much danger from removing the restrictions from the native Press, and give indeed to the new measure a consent, if not reluctant, at least entirely at variance with the whole tenor of their arguments. Even your Governor-General and your Legislative Councillor, with whom the proposal seems to have originated, contend for the safety of withdrawing the licensing system, principally on the ground that the same or any other mode of suppressing at once a mischievous publication may at any time be adopted by sudden and summary proceeding of Government. So that in fact the liberty of the Press will still be dependent upon the opinions and dispositions of those who happen to compose the Supreme Council, and whose apprehensions of danger, whether well or ill founded, will be a sufficient justification for the exercise of that arbitrary authority, which it is the alleged object of your proposed Regulation to dispense with altogether. And admitting the facility of resuming on an emergency, a power thus abandoned (which, however, in common with one of your Council, we are much inclined to question), we should predict that your apparent liberality would be productive of no beneficial results either to the subjects or the rulers of India. The one would not in reality be more free nor the other, except for a moment, be more beloved

7. We deem it to be wholly unnecessary to examine the details of the law by which you propose to substitute legal responsibility for the present licensing system. Some such law would, it is obvious, be requisite were the change you contemplate to be finally determined upon, and even without abandoning the licensing system, some of the provisions of the proposed enactment might perhaps be framed into a useful Regulation quite compatible with a reserved power to deal summarily with such offences of the Press, as could not be reached by ordinary legal process. But the main question now before us relates to the abolition of the licensing law, and without entering upon general arguments upon a point so frequently discussed, it is sufficient to repeat that no just grounds, nor indeed scarcely any grounds at all, appear on the face of your minutes, to reconcile us to the change in contemplation.

8. In cases of emergency much discretionary power must be, and always has been, allowed to your Government. But in this instance, no emergency, no cause for prompt interference is shown or even pretended to exist, and if we were inclined to approve of your measure, we should nevertheless consider your conduct as wholly indefensible for taking a step of such importance without previous reference to the home authorities.

9. We should, then, be prepared at once to avail ourselves of the power entrusted to us by Act of Parliament, and disallow your new law when passed, were we not aware that the immediate repeal of such a law, however ill-advised and uncalled for its enactment may have been, might be productive of mischievous results. We shall, therefore, wait for the deliberate advice of the Governor-General in Council after the arrival of Lord Auckland, your present Governor-General, before we communicate to you our final decision. But you are in possession of our sentiments, and we shall not be sorry to find that by returning to the former system, you have rendered our interference unnecessary

EAST INDIA HOUSE,
1st February 1836.

(Sd.) W. S. CLARKE,
T. R. CARNAC,
etc., etc.

The above despatch reached Calcutta almost simultaneously with the arrival of Lord Auckland in India as Governor-General. On 4th April 1836, he relieved Sir Charles Metcalfe and took the oath of his office. We have seen from his private letter to Metcalfe what was his opinion on the new Press Act passed by Metcalfe. No change came over his opinion regarding that measure in his capacity as Governor-General. As such, his "deliberate advice" as well as that of his Council went to re-support the measure of Metcalfe with greater strength. In September, 1836, the Governor-General in Council sent their "deliberate advice" to the Court of Directors, and Macaulay again wrote in his second minute thus :—

"I regret that on this or on any subject my opinion should differ from that of the Honourable Court. But I still conscientiously think that we acted wisely when we passed the law on the subject of the Press ; and I am quite certain that we should act most unwisely if we were now to repeal that law.

"I must, in the first place, venture to express an opinion that the importance of that question is greatly over-rated by persons, even the best informed and the most discerning, who are not actually on the spot. It is most justly observed by the Honourable Court that many of the arguments which may be urged in favour of a free Press at home do not apply to this country. But it is, I conceive, no less true that scarcely any of those arguments which have been employed in Europe to defend restrictions on the Press, apply to a Press such as that of India.

"In Europe, and especially in England, the Press is an engine of tremendous power, both for good and for evil, The most enlightened men, after long experience

both of its salutary and of its pernicious operation, have come to the conclusion that the good on the whole preponderates. But that there is no inconsiderable amount of evil to be set off against the good has never been disputed by the warmest friend to freedom to discussion

"In India the Press is comparatively a very feeble engine It does far less good and far less harm than in Europe. It sometimes renders useful services to the public. It sometimes brings to the notice of the Government evils the existence of which would otherwise have been unknown. It operates, to some extent, as a salutary check on public functionaries. It does something towards keeping the administration pure. On the other hand, by misrepresenting public measures, and by flattering the prejudices of those who support it, it sometimes produces a slight degree of excitement in a very small portion of the community.

"How slight that excitement is, even when it reaches its greatest height, and how little the Government has to fear from it, no person whose observation has been confined to European societies will readily believe. In this country the number of English residents is very small and, of that small number, a great proportion are engaged in the service of the State, and are most deeply interested in the maintenance of existing institutions. Even those English settlers who are not in the service of the Government have a strong interest in its stability. They are few; they are thinly scattered among a vast population, with whom they have neither language nor religion, nor morals, nor manners, nor colour in common; they feel that any convulsion which should overthrow the existing order of things would be ruinous to themselves. Particular acts

of the Government—especially acts which are mortifying to the pride of caste naturally felt by an Englishman in India—are often angrily condemned by those persons. But every indigo-planter in Tirhoot, and every shopkeeper in Calcutta, is perfectly aware that the downfall of the Government would be attended with the destruction of his fortune, and with imminent hazard to his life.

"Thus, among the English inhabitants of India, there are no fit subjects for that species of excitement which the Press sometimes produces at home. There is no class among them analogous to that vast body of English labourers and artisans whose minds are rendered irritable by frequent distress and privation, and on whom, therefore, the sophistry and rhetoric of bad men often produce a tremendous effect. The English papers here might be infinitely more seditious than the most seditious that were ever printed in London without doing harm to anything but their own circulation. The fire goes out for want of some combustible material on which to seize. How little reason would there be to apprehend danger to order and property in England, from the most inflammatory writings, if those writings were read only by Ministers of State, Commissioners of the Customs and Excise, Judges and Masters in the Chancery, upper clerks in Government offices, officers in the army, bankers, landed proprietors, barristers and master manufacturers! The most timid politician would not anticipate the smallest evil from the most seditious libels, if the circulation of those libels were confined to such a class of readers; and it is to such a class of readers that the circulation of the English papers in India is almost entirely confined."

The result of the "deliberate advice" was, of course, the acquiescence of the Court of Directors in the wisdom of the measure passed by Metcalfe.*

S. C. SANIAL.

(*To be continued.*)

* I have not been able to get the minute of Lord Auckland as well as those of his other Councillors except that of Macaulay, on the liberty of the Indian Press which went in reply to the above angry despatch of the Court of Directors. But the following private letter written by Lord Auckland to Metcalfe in June 1836 gives a clue to the opinion which he expressed in his minute. "The good people of England have taken strangely to heart the establishment of a free Press in India. There has been a disposition to reject the Act by which it has been effected. The end, however, of their deliberations on the subject has been an angry despatch condemning the measure and calling the Council to consider the propriety of its repeal. I am exceedingly surprised at the manner in which this measure has been received both by the Court and Board. It had never occurred to me to think of it as one of danger and innovation until I heard of the alarm that had been raised. Upon all observation, I am well satisfied that, without effecting any substantial change, it rests upon a good principle and has removed a cause of irritation, and the tenor, therefore, of our answer to the Court cannot be doubted."

CRITICAL NOTICES.

Hindustan under Free Lances, 1770-1820 : Sketches of Military Adventures in Hindustan during the period immediately preceding British Occupation. By H. G. Keene, C.I.E., Hon. M.A. Oxon, etc. London : Brown, Lingham & Co., Ld. 1907.

FOR the past four centuries India has been emphatically the land of European adventurers. Civilisation of every order as it moulds society and gives it principles of definite progress, has failed to fashion every member of it to the same type. There will always be men who resist or flee from its influences, who have will enough to retain their individuality, to whom the regular duties, the polished refinement, the binding conventionalities which become stronger and stronger as civilisation advances, are intolerable. Fitted for a career, they are denied all opportunity of finding it, and become Bohemians in the modern sense of the term, wanderers from the great mass of their age and nation, attached to no particular profession, calling themselves by no man's name. There are very few large families of sons in England where there is not probably one with those Bohemian tendencies, one whom neither parents nor masters understand ; one who has an inner life of his own ; whose imagination is fed and ambition excited by the deeds of the great and brave of old and who ends by finding in the army, on the sea or in some distant colony, that life which fits into his nature and develops his latent powers. Such men are the glory of England; it is of such that some of her greatest captains have been made ; by such her greatest colonies have been founded. Others of this class, with a physique not so perfect and hopes not so ardent, have found in literature that escape from their individuality which the ordinary profession denied them. The youth whose big brain and, it may be, restless genius, led him to thought and its expression, hates action. In dreamy indolence or in unhealthy spasmodic fits of labour, he passes his days, bequeathing to the world thoughts and fancies that sometimes it will not

let die. The history of English literature is full of instances of such Bohemians, of its Savages, its Otways, its Chattertons, its Shelleys and its Byrons. There is a third career which sucks down this class in large numbers—crime which is emphatically a profession and one of the largest in these days.

Thus, then, in the Army, the Navy and the Colonies; in one department of literature or other, and in crime, do the adventurers of modern Europe find the career which the order created by civilisation denies them elsewhere. Of the European adventurers whose life-sketches we find in the volume under review, some were of gentle, almost noble birth, some were soldiers from the ranks, some were from the forecastle, some were deserters, some were swash-bucklers, some were gentlemen and administrators, some were honourable though rough soldiers, some were mere money-makers and some were adventurers of the meanest type. Their origin was as various as their employments, Italians, Savoyards, French, Flemish, Dutch and occasionally even British. All these men took part in the great anarchy which ensued in Hindustan after the sack of Delhi by the Persians under Nadir Shah in 1738, like stormy petrels hovering over the sea of trouble or like mariners in their barques riding on the crests of the waves, often nearing the breakers, yet rarely striking on them and but seldom engulfed, or directing the political storms or guiding the whirlwinds. The disturbed state of the country afforded ample scope for these adventurers to enlist themselves on the side of one of the other of the country powers as the latter appeared on the scene for contesting the empire of India, and they continued their reign of chaos as long as their power and prowess were not subdued by a paramount power like the British. For a period of over fifty years these adventurers made the confusion prevailing in Hindustan worse confounded simply for their self-aggrandisement, and it is some consolation to see that among them, many, perhaps most of them, were non-British.

When the great Anarchy began after the murder of the Emperor Alamgir II, four competitors were on the field of India contesting its sovereignty. Two were European—the English and the French—and the other two Asiatic,—the

Mahrattas and the Muslim of Mysore. The Mahrattas were then the most powerful in the country, and had they been able to retain their combination unimpaired, they would have been able to emerge victorious from the great contest. But their combination was soon broken by British diplomacy. In the contest between the English and the French, the latter were hopelessly beaten. Remaining alone in the field the British entered into an alliance with the Mahrattas and the Nizam of Hyderabad to crush the Muslim of Mysore—their common enemy. On the fall of Tippu Sultan a great thorn on the side of the British was removed, and an excellent opportunity was found by them to coerce both the Nizam and the Peshwa. In the latter work the British were most successful, in consequence of which the foreign adventurers found their occupation gone and disappeared, one by one, from the scenes in which for a considerable time they were the most prominent. In theory the Anarchy begun by the "Free Lances," terminated when General Lake appeared in the Imperial Durbar of Delhi in 1803 and assumed supreme control of India on behalf of the East India Company promising help and protection to the Delhi Emperor.

The reign of chaos which a handful of European adventurers were able to create in Hindustan during the period noticed above inspite of the combination of the Mahratta Powers then existing in the land, was owing to the superiority which these adventurers more or less possessed in military operations. And the first country power who took particular notice of this European superiority and tried to utilise it for the benefit of his own disorganised army, was Mahadaji Sindhia, the founder of the present House of Gwalior. The circumstances which led him to mark the value of European discipline and organisation in the army are related to be, that in the year 1778 the British authorities of Bombay sent a column towards the Deccan to meet and oppose a Mahratta force under the chief command of Mahadaji. The British force was defeated by the Mahratta Chief and in retreating showed considerable discipline and order. When the British officers were summoned to the Durbar immediately after to treat of the terms of

surrender, Mahadaji was said to have exclaimed to a British officer who sat by him "What soldiers you have! Their line is like a brickwall; and when one falls, another steps into the gap: such are the troops I wish to lead." Sindhia soon acted upon the opinion so expressed, and engaged the ablest and most successful of the military adventurers of the eighteenth century to impart to his troops a tincture of European discipline—the famous General de Boigne. His example was followed by many of his less favoured brethren, and the result was the employment of the "Free Lances" of good, bad and indifferent kinds in the armies of the Indian powers. This result would have been happy, had the country powers the capacity to control these adventurers and to learn from them that discipline and organisation for which they were then so conspicuous But the effect was disastrous. The adventurers at the outset entered as needles and eventually came out as elephants. Instead of being controlled by the Indian Chiefs, they began to control the latter. Naturally mutual mistrust ensued, in consequence of which hearty co-operation became impossible, and nowhere is such a state more disastrous than in the battle-field. The Indian Chiefs who valued European discipline in the army were not able to learn the same from their European servants so long as the latter were in their service. Nor did they ever try to impart European methods of military training to their own army by impressing upon them its superiority. Hence the employment of some European adventurers by the Indian Chiefs did not improve the general character of the Indian troops; in fact, they retained their old ways of fighting and skirmishing. Only the troops led by these adventurers were tinctured with some form of European discipline, and as such, the consequence was the temporary predominance of these adventurers over their employers. The great Anarchy lasted in Hindustan as long as this predominance prevailed.

Of the military adventurers spoken of above, our author mentions Monsieur Law as the first in point of time. The account that is given of this "Franco-Scot" shows how ignorant the author is about the personality of his subject. There were

two Laws—Jacques François Law and Jean Law, two brothers—the former appeared in Southern India and the latter in Bengal. But Mr. Keene confounds the two into a single individuality—Monsieur Law. The Law who appeared at the siege of Trichinopoly was Jacques François Law and the Law who was Agent to the French Factory at Cossimbazar when Seraj-ud-dowla was attacking Calcutta was Jean Law, the former's elder brother. This confusion is simply unpardonable. The younger brother was never a free lance, but the elder, Jean, was such to some extent. After the surrender of the latter to Major Carnac and his transmission to Calcutta, our author tells us that "this is our last authentic view of a brave, but very unlucky man and we are indebted for it to Ghulam Hossain (author of *Seir-ul-Mutakherin.*)" This shows his lack of knowledge of his subject. Jean Law has a complete memoir of his own in the British Museum, written by him in French, and in *Bengal in 1756-1757* Mr. S. C. Hill has given a translation from this memoir of the period in which Law had connection with Seraj-ud-dowla. We learn from this memoir that Jean Law left India in 1762 and arriving in France, was made a Chevalier and Colonel, Commissary of the King, Commandant in the East Indies and at last, Governor of Pondicherry. Thus Jean Law is not a "Free Lance" in the strict sense of the word, and we cannot find any justification of the remark made by our author that he was a very unlucky man. For some time he helped Shuja-ud-dowla of Oudh to regain his ascendency over Behar and Bengal, but that was at a time when his nation was in active hostility with the English and when the French Power in Bengal was sought to be crushed by Clive.

Strictly speaking therefore Jean Law was not a "Free Lance" nor his younger brother, Jacques François Law. Next we are told that with Law were associated in the task of "beating off the English and administering the Indian Empire," Medoc, Reinhardt, Du Drenec, Comte De Moidavre, Chevalier de Crecy, St. Frais and Courtin; the last two who had served "hopelessly but bravely at Plassey were captured by Coote on their way to Lucknow in 1758." How much the author is ignorant of the

personalities of these men is quite apparent from the above. There was no such person as Medoc, and he was never associated with Law in his work. Most strangely our author calls René Madec as Medoc and conjectures most freely about his life and career. For a time he served in the English army in Bengal, and as that period coincides with the time when Law helped Shuja-ud-dowla of Oudh to win Bengal and Behar, Madec cannot be said to have been associated with Law in his work. When Madec escaped the Bengal Army, Law had already left India. Madec and Law cannot, therefore, be described as associates in "beating off the English." Further, the statement that Madec was killed in a duel in France is inaccurate as he died in 1784 worn out by all his hardships. St. Frais is, of course, Mr. Sinfrey of Orme, who at the battle of Plassey led forty vagabond Frenchmen with four pieces of light cannon. But why is Mr. or Monsieur Sinfrey, Secretary to the French Council at Chandernagore, called by our author as St. Frais? Is it a mnemonic blunder, or has the author any authority for his version of the name? As Mr. Keene has not cited any authority for making Sinfrey into St. Frais, we take it to be a mistake. Mr. S. C. Hill in his *Bengal in 1756-1757* (Indian Record Series) supports Orme's version and calls the French general who led a party of French troops at the battle of Plassey as Sinfrey. He was a follower of Monsieur Jean Law. Had Mr. Keene consulted Mr. Hill's remarkable book, he would not have fallen into a blunder which is seriously to be deplored. Next our author has said that Courtin like his St. Frais, "had fought at the battle of Plassey and was captured by Coote." No one bearing the name of Courtin fought at the battle of Plassey, nor was anybody of that name ever captured by Coote. At the time when Jean Law was Chief of the French factory at Cossimbazar, Jacques Ignace Courtin was Chief of the French-factory at Dacca. Mr. S. C. Hill has described fully his Indian career in his well-known book *Three Frenchmen in Bengal.* Mr. Keene seems to have been ignorant of these books and to have relied more upon his own knowledge about these Frenchmen than upon the more accurate history of these

men now made available through the researches of scholars. It is a pity that so well-written a book has been allowed to be vitiated with so many inaccuracies. A reference to Mr. Buckland's *Dictionary of Indian Biography* would have helped the author to be more accurate. But he relied on a little work of Major Smith published in London in 1804 and neglected to consult modern works on his subject.

Then follows a haphazard account of Walter Reinhardt commonly known as General Samru, which is not so inaccurate as those of Sinfrey and Law, though the statement that Samru accompanied Law from Southern India to Bengal in 1756 in the capacity of sergeant, is quite erroneous, for no person of the name of Law ever came to Bengal from Southern India about this time. Samru and Law were never associates, and, most probably, they were not even known to each other. In January 1761 Law was sent to Calcutta by Major Carnac as prisoner. At that time Samru was in the army of Kasim Ali Khan, commanded by the Armenian whom our author calls Gurjin Khan. Samru remained in the army of Mir Kasim till the latter's complete defeat at the battle of Buxar in 1764, which also humbled his patron Nawab Shuja-ud-dowlah of Oudh. Then Samru joined the Jats and helped them to take possession of Agra. In 1774 the Emperor of Delhi attacked the Jats to recover the Imperial city when Samru and his brigade joined the Imperial forces after the defeat of the Jats, and a considerable fief near Delhi was assigned to him for the support of his troops. In May 1778 Samru died leaving his begum, who afterwards became famous as Begum Samru.

In Chapter III. we have an account of General Claude Martin and of the early life of Benoit Boigne. General Martin is treated most unsatisfactorily, and it does not appear that the author had consulted Mr. S. C. Hill's life of General Martin, which is perhaps the best account of the General on record. Though Martin was not in any degree a military adventurer, yet the life of the General must be regarded as quite adventurous. Like David Hare he left the bulk of his property to purposes of education. His friend and partner was General Boigne, whose career our author has taken

considerable pains to describe in full. His worth was early appreciated by Mahadaji Sindhia by whom he was commissioned to raise a large army on the European model. Needless to say, Boigne succeeded in this commission. With Boigne's army at his back, Mahadaji Sindhia became supreme in power in Hindustan, and emulating his example, both Holkar and the Nizam employed Du Drenec and Raymond respectively to form armies on the European model. After the death of his generous master in 1794, Boigne retired from India after disposing of his fine troopers to the East India Company. For over thirty years Boigne lived in Europe in quiet retirement and died in June 1830. On the departure of Boigne from Gwalior, the command of the armies raised by him for Sindhia was given to General Perron whose career is described in Chapter XI. Du Drenec whose services were availed of by Holkar after Sindhia's example, did some good service to his master, but as he was then opposed to men like Boigne and Raymond in the opposite camp, he was not as successful as Boigne and Holkar suffered several defeats in consequence of which Du Drenec retired from his service and surrendered to the British. Raymond, as we have seen, entered the service of the Nizam of Hyderabad and obtained a high command. In the battle of Kardla, fought between the Nizam and the Mahrattas, Raymond's battalions fought bravely. But Raymond died in 1798 and his troops were disbanded shortly after in consequence of a treaty which the Nizam concluded with the British. Boigne, Du Drenec and Raymond were all Frenchmen, and they succeeded in gaining the love, esteem, and admiration of the Indians by their generous behaviour. Though the work they did for their masters was only of a fleeting kind, yet the life they led under their masters quite satisfied the people whom they commanded for only a short period. They certainly lived not in vain.

In Chapter VIII. George Thomas and his relations with Begum Samru are described. The Irishman entered the Begum's service about 1787 and in the following year led an expedition in command of the Begum's contingent against

Gokalgarh for the Emperor of Delhi. The Begum herself accompanied the expedition, and in a trying moment saved the life of the Emperor by her gallantry. As a reward she was created Zeb-un-nissa by the Sovereign. In 1792 George Thomas left the service of the Begum in consequence of her marriage with a French officer called Levassoult and betook himself to Anupsahar as a guest of a British officer. While he was thus living quietly and peacefully, the Begum's step-son rose in rebellion and compelled her to seek British protection at Anupsahar. While proceeding there, Levassoult, hearing of the Begum's assassination by the infuriated soldiery, shot himself, but really the Begum was not killed but severely wounded. A French officer of the Begum, seeing the dangerous situation in which she had been placed by the rebels, immediately wrote to Thomas to come to her help. Thomas did as he was asked and soon brought the mutinous officers to obedience. The Begum soon recovered. In the following chapter, we find an account of Thomas as the Raja of Hariana. In August 1801 he and Perron drew near each other at Bahadurgarh in which the former was completely defeated in the negociations that followed for peace. Soon after Perron attacked Thomas and obliged him to surrender on the first day of 1802. Thomas then went to Anupsahar whence he was sent by the order of the British Government to Bahrampur, where he died on the 22nd August following in his forty-sixth year. The adventurer had married a French dependent of the Begum Samru whose Christian name was Marie, and she had borne him three sons and a daughter. These were left in charge of the Begum with a lakh of rupees for their support. As the Begum was deeply indebted to George Thomas, she gladly accepted the charge of his family and acquitted herself fairly well. The daughter is believed to have been married at Delhi and to have left issue there; and the grand-daughter of another son, James, was living at Agra a few years back, the wife of a Mr. Martin. A third son was in the service of Ranjit Singh and rose to the command of a regiment. Except Begum Samru, George Thomas did not serve any other Indian chief, but did his best to become an independent leader,

and as such, in the zenith of his power, posed as the Raja of Hariana, subordinate to none.

In 1803, when Wellesley marched into the Deccan and Lake defeated Ambaji at the battle of Laswari, the Begum Samru, who was assisting Ambaji, was brought under British influence. Seated in her grand palanquin, she was brought to Lord Lake's camp. On the announcement of her arrival Lake rose hastily and went to the door of his tent in time to catch her Highness in the act of descending from the litter. In the excitement of the moment, the General gave the visitor a hearty kiss: "See, my friends," cried the self-possessed lady to her attendants, "how the Padre receives the penitent child." The red coat and face of this jolly father of the Church Militant are said to have struck the bystanders with astonishment, but the result was a complete success. The Begum was confirmed in a life tenure of all her possessions, Lake having plenary political authority from the Calcutta Government; and for the rest of her days she maintained a sort of mediatised rule in her provincial capital at Sardhana. Among men of lesser fame who helped to maintain the Anarchy of which we are speaking, Joseph Harvey Bellasis, John Hessing, Brownrigg, Perron and others were most prominent; they all fought on the side of the Indian Chiefs. On the other hand, Skinner, Shepherd, Gardner and Sutherland never fought against their countrymen, the British. Bellasis was an English gentleman who began his military career in the British Army but soon found an opportunity for fortune in the employ of native powers. In 1799 he was shot dead while assaulting a place called Saunda. Hessing was a Netherlander who fought in the army of Sindhia. In 1794 Mahadaji Sindhia died, and Hessing made over the bodyguard to his son, the younger Hessing, and retired to Agra, where he died. A magnificent monument now marks the place where the father Hessing died, at Agra. The son surrendered to Lord Lake in 1803 and was given honourable terms for retirement. Brownrigg was killed in action at Sirsa. But the most noted of them was Perron who succeeded Boigne in the command of the troops raised and organised by him. He was originally a seaman, but deserting

his ship, became a gunner in Sindhia's service. He was most dutiful and vigilant, and soon won his way to the good graces of his superiors. Assuming command of Boigne's force, Perron gradually brought all Hindustan into subjection and assumed the rôle of an autocrat. Sindhia, his master, became a powerless tool in his hand, and Perron became in fact the director of India. But his tenure was a short lived one. In September 1803, during the Second Mahratta War, Lord Lake came up and found Perron drawn up before the Fort of Aligrah. Leaving the command of the Fort to his son-in-law, Perron arrived at Hatras when he heard that his master had determined to deprive him of his command. Calmly thinking over all the circumstances, the French General came to the conclusion that it would be better for him to give himself up to Lord Lake. He did as he thought, and he was most honourably treated by General Lake. Perron ultimately returned to France and died in 1834.

In Chapters XIII. and XIV. the careers of Colonels James Skinner and W. L. Gardner have been described. Skinner was born of a Rajput mother with whom his father had a transient intimacy. Lord Lake took him into British service in which he rose gradually and was honoured. He died in 1841, and his memoirs were written by Baillie Fraser. William Gardner came of a good Irish stock and came out to India as a British soldier. But he soon got employment under Tukaji Rao Holkar and his son Jaswant Rao Holkar. In 1803 Gardner surrendered to Lord Lake and was honourably treated and taken into British service again. He died in 1835, after enjoying ample retirement. The wife of his youth, an Indian lady, continued to be dear to his advancing years, and all his offspring were married to natives of India. He was Thackeray's "Major Gahagan," but the great novelist's caricature has no resemblance to the original in any way. Gardner's faithful Begum died soon after the death of her husband. The retirement of Gardner from British service may be said to be the end of the anarchy which ensued in Hindustan after the fall of the Great Moghuls.

In Chapters XV. and XVI. the author describes the events which led to the pacification of India under Lord

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THE CALCUTTA REVIEW.

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April 1908.

No man who hath tested learning but will confess the many ways of profiting by those who, not contained with stale receipts, are able to manage and set forth new positions to the world; and were they but as the dust and cinders of our feet, so long as in that notion they may yet serve to polish and brighten the armoury of truth, even for that respect they were not utterly to be cast away.—MILTON.

Calcutta:

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THE

CALCUTTA REVIEW.

No. CCLII.

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THE CALCUTTA REVIEW.

No. 252.—APRIL 1908.

Art. I.—THE QUARTER.

Famine.

THERE was a partial failure of the monsoon in 1907 with the consequence that the first quarter of 1908, the last of the official year 1907-08, was made sorrowful and heavy by the spectacle of famine stalking through some of the fairest provinces of India. To quote the Viceroy, who presided at a meeting in the Calcutta Town Hall on 17th March to create a voluntary famine fund: "The famine area comprises practically the whole of the United Provinces, some of the Protected States in Central India and parts of the Punjab, Bengal, the Central Provinces, and even Bombay. It covers approximately 150,000 square miles, somewhat more than Great Britain, Ireland, Holland and Belgium combined, with a population of roughly 50 millions. In other words, over one-twelfth of the area of India and one-sixth of its population are affected." The efficiency and resource of Sir John Hewett's administration in the United Provinces have been the theme of universal praise Mr. Gokale, the eminent leader of the Moderate Section of the Indian National Congress, fittingly voiced the sentiments of the whole of India when he declared at the Budget meeting on 27th March that Sir John Hewett would be remembered by the people of India

even as Sir Antony MacDonnell, his great predecessor, is remembered, *amicus humani generis*. According to the latest returns there were at the end of the quarter, 1,500,000 persons in receipt of famine relief in British India and the Protected States. To tide over the crisis, the Government of India issued over two crores of rupees in the form of takavi loans and provided an equal amount for 1908-09. They suspended over 3½ crores of land revenue in two years and provided 132 lakhs for famine relief during the ensuing year. The Native States affected have been inspired by this great example, and private charity has also been greatly stirred. In a word, everything that mortal man can do is being done to rob the visitation of its worst terrors. If there is a normal monsoon this year all will be well; if not then God help India.

The Famine Fund.

As a result of the public meeting held in Calcutta on 17th March, at which the Viceroy presided, an Indian Famine Relief Fund was established with the following Executive Committee:—The Hon. Sir Francis Maclean, K.C.I.E., Chairman. Members:—The Hon. Nawab Bahadur of Murshidabad, the Hon. Maharajah Bahadur of Durbhanga, K.C.I.E., the Hon. Maharaj Adhiraj of Burdwan, the Hon. Mr. J. O. Miller, the Hon. Nawab Syed Muhammad, the Hon. Mr. G. R. M. Chitnavis, the Hon. Mr. E. A. Gait, C.I.E., the Hon. Mr. A. A. Apcar, C.I.E., the Hon. Mr. G. H. Sutherland, Maharajah Sir Prodyot Coomar Tagore, Prince Mahomed Bukhtyar Shah, C.I.E., Sir Ernest Cable, Sir Daniel M. Hamilton, the Hon. Mr. Madho Lal, the Hon. Rajah of Nashipur, Mr. R. W. Carlyle, C.I.E., Mr W. Brown, Nawab A. F. M. Abdur Rahman, Mr. J. S. Harris, Mr. L. G. Dunbar, Rai Hari Ram Goenka Bahadur, Maharajah

Kumar Reshee Case Law, and Mr. O. T. Barrow, C.S.I. Honorary Secretary :—Mr. O. T. Barrow, C.S.I. It was at the same time resolved to request His Excellency the President to invite Vice-Presidents of the Fund to take steps towards the formation of Provincial Funds in aid of the General Relief Fund. The Executive Committee of the Fund held its first meeting at the Bengal Chamber of Commerce on Wednesday, the 25th March. The initial arrangements for the work of the Fund were decided on, including an appeal to the Government for certain concessions similar to those which had been granted to the Charitable Relief Fund instituted at the time of the famine of the year 1900.

The Budget.

The Hon'ble Mr. E. N. Baker's third Budget was naturally affected by the famine. Last March he estimated the revenue of 1907-08 at 108,75 lakhs, the expenditure chargeable against revenue at 107,59 lakhs, and the surplus at 116 lakhs. Owing to the failure of the monsoon, however, it is now calculated that the revenue will amount to 106,48 lakhs, a falling-off of 227 lakhs. The expenditure is now estimated at 106,13 lakhs, and the surplus at 35 lakhs, being a net worseness of 81 lakhs. The stress of course permitted of no remission of taxation. "For next year," said the Finance Member in his Budget speech, "our calculations are based on the assumption that the monsoon will be normal. If that should happily prove to be the case, we have reason to hope that the progress of the country will resume its usual course, and that the set-back which it has met with in the present year will rapidly be made good. In this view we take credit for a reasonable development of revenue under all the principal heads, and for a full recovery under Land Revenue and Rail-

way earnings. On the other hand, we have provided 132 lakhs for famine relief. The gross revenue is estimated at 110,16 lakhs, the expenditure chargeable against revenue at 109,30 lakhs, and the surplus at 86 lakhs. The Military charges are estimated at 31,13 lakhs, which is 79 lakhs less than the budget for the current year, though 35 lakhs more than the probable actuals. This result has been effected mainly by restricting the grant for 'special' expenditure to 250 lakhs, and allowing no re-grant of lapses. The reduction would have been greater but that we have been forced by reason of the prevailing high prices to increase the provision for feeding the Army by 19½ lakhs."

The Budget Debate.

The Budget Debate followed the old familiar lines, but as it was probably the last of the obsolete pattern it deserves to be historically remembered. Mr. W. L. Harvey, the officiating Member for Commerce and Industry, made the most interesting speech giving great joy to the merchants of Calcutta by announcing that the Secretary of State had been compelled by the local agitation to sanction the construction of a bridge over the Ganges at Sara to connect the two portions of the Eastern Bengal State Railway. Sir Harvey Adamson, the Home Member, conciliated native sentiment by announcing that the Government of India had decided at last upon the experimental separation of executive and judicial functions in the two Bengals. The general principle outlined in the scheme is that the trial of offences and control of the magistrates who try them should never devolve on officers who have any connection with the police or with executive duties, while on the other hand the prevention of crime should be a function of the district

officer and his executive subordinates who are responsible for the preservation of the peace of the district. Mr. Baker, the Member for Finance, announced that the Government of India had accepted the suggestion of the Maharajah of Darbhanga to appoint a small commission to enquire as to the high prices of food grains. In summing up the position, Lord Minto was able to make a welcome announcement of the abatement of plague in all parts of the country after a frightful course of eleven years. He said: "The total deaths from plague in Bombay, the United Provinces, and Punjab in 1908 are very much lower than those of the corresponding period in 1907. I find that in January and February of the latter year the deaths in those provinces were 44,319 and 78,063 against 7,445 and 11,898 in January and February of this year, whilst the total deaths in January and February 1907 were 122,382 against 18,343 in the same months of this year—an enormous reduction in mortality, and allowing for the climatic influences, I trust that we may not be too sanguine in hoping that this terrible scourge is at last beginning to give way to scientific research and to the energy of our officers assisted by the people themselves."

Civil Procedure.

A legislative enactment of far-reaching consequence is the amendment of the Code of Civil Procedure. This is embodied in Act No. V. of 1908 which received the assent of the Governor-General on 21st March 1908. On the same day, Mr. H. Erle Richards, the Legal Member, introduced a bill in the Imperial Legislative Council to amend the Presidency-Towns Insolvency Bill. This is a much needed measure, for owing to the present condition of the Indian Bankruptcy Act, commercial morality, in Calcutta especially, is at a very low ebb.

Calcutta University.

On Saturday, 14th March, the Calcutta University celebrated its Jubilee Convocation by conferring honorary degrees on several distinguished men. The list was neither very comprehensive nor fitly representative, but one can excuse mistakes in all first adventures. For the sake of a record we publish in another part of this number a full report of the function. It hardly calls for much criticism. The outstanding features in addition to that mentioned above, were the announcements that the Maharajah of Dharbhanga had given 2½ lakhs of rupees to the University Library and Government an annual grant of Rs. 10,000 for the foundation of a Chair of Economic Science. Both Lord Minto, the Chancellor, and Dr. Mookerjee, the Vice-Chancellor, had much to say about University reform, but omitted all mention of Lord Curzon's part in it.

A Frontier War.

After a long period of quiescence on the North-Western Frontier of India, the Zakkas, a powerful and unruly Afridi tribe of Catenus, began to give trouble. Emboldened by petty successes they made a raid on the town of Peshawar. This was more than the Government of India could bear, and in the middle of February an expedition under Sir James Willcocks was launched against them. The punishment inflicted was swift and severe. In less than a fortnight the Zakkas were brought to their knees in abject submission. Thanks to the admirable policy of Lord Kitchener, which entails the proper training of the Indian Army in peace time, the troops were rapidly mobilised and moved forward into the Bazaar Valley, seizing every point of vantage as they went swiftly along, disconcerted the Zakka Khels, and the subsequent operation showed the wily tribesmen that they had a

very alert enemy to deal with. Not only were the troops quite able to protect themselves in camp and keep the enemy comparatively harmless at arm's length, but in the attack there was no foolhardly rushing a position. The new attack formation was very effective in dealing with the Zakka Khels in their sangared positions, and when it came to playing them at their irritating pastime of "sniping," the pickets took a hand in it with much success. Not only were the snipers sniped *con amore*, but a craftily laid mine or fougasse exploded at the psychological moment, sent the Zakkas scuttling out of their positions, and there was little further sniping that night. Our casualties were very slight, the Seaforth Highlanders being hardest hit. They lost in killed Major Forbes Sempill and a young Lieutenant attached to the regiment. Colonel Roos-Keppel the Political Officer concluded a peace by which the Afridi maliks and elders undertake to hold themselves jointly and severally responsible for the good behaviour of the Zakka Khel. It was the most satisfactory war in the whole history of the North-West Frontier.

The Administration.

Changes in the administration were many and important. It was officially announced on 11th January that much to the regret of the Viceroy and the sorrow of the people of the Punjab, Sir Denzil Ibbetson, Lieutenant-Governor of the province he loved and served so well, was obliged to resign on account of the severe illness he had borne so heroically. Lord Minto characterised the event as an irreparable loss and every loyal inhabitant of India endorsed the sentiment. To Sir Denzil it was due that there was no repetition of the Indian Mutiny last year. His firmness and determination to brook no half-measures nipped in the bud the attempt

of Lajpat Rai and Ajit Singh to corrupt the allegiance of the Sikh soldiers. His courage inspired the Government of India to act promptly and adopt those methods which have so successfully crushed sedition. Sir Denzil left India only to die. The cancer in his mouth developed alarmingly on his arrival in England and in little more than a month from the date of his resignation he succumbed to the malignant desease. He was of the same type of Indian administrators as the Lawrences. He was succeeded as Lieutenant-Governor of the Punjab by Sir Louis Dane who went in charge of Lord Curzon's embassy to Amir Habibullah. In March, Mr. J. F. Finlay resigned the portfolio of Commerce and Industry after an uncomfortable tenure of less than a year, and in the same month, Sir Lawrence Jenkins, much to the regret of the people of Bombay, left the High Court to join the India Council at Whitehall. Another retirement of note was that of Sir Frederick Upcott, the first President of the Railway Board, which was created in 1905 by Lord Curzon. He came out to India in 1868 as a Stanley Engineer and nearly all his service was in the direction of the promotion and organisation of State Railways.

Obituary.

Death has been very busy in the ranks of distinguished retired Anglo-Indians. The quarter's obituary includes Sir John and Richard Strachey, Sir George Couper, Sir Auckland Colvin, Sir Lepel Griffin, Sir John Eliot, Colonel Joshua Nunn, and among those in harness Dr. W. R. Pym, Bishop of Bombay and Mr. L. P. Pugh the distinguished barrister of the Calcutta High Court The Bengalees also suffered a great loss by the death of Maharajah Sir Jotindro Nath Tagore.

Art. II.—A RETROSPECT AND A WARNING—1885—1908.

SOMETHING over twenty years ago, there appeared in the pages of this *Review* an article dealing with the Bengal Tenancy Act, then recently added to the Statute Book. We do not now propose to enter on a general survey of the working of that Act nor to enquire how far it has succeeded in securing to the vast body of raiyats of this province, the rights which it was meant to safeguard. In 1898 various amendments were made in the Act, more especially with a view to facilitating the preparation of Records of Rights. The work of preparing these Records has been in progress continually since 1892-93, and up to the present, they have been completed for all the districts of this Province (as at present constituted) north of the Ganges, for a large part of the Chota Nagpore Division, and for various small areas in every division and district.

The urgent need for the preparation of a systematic Record of Rights was insisted upon as far back as 1819 or 1820. Some seventy years later it began. Various landlords objected, as they knew that their hidden doings were certain to be brought to light, but luckily wiser counsels prevailed and the work went on uninterruptedly for about eleven years.

In 1904, at Bhagalpur, a body of local zemindars approached Sir Andrew Fraser with a petition traversing the methods of the officers of the Settlement Department, and serving up the old stock arguments against any attempt at relief being made in the interests of their tenants. In particular they objected to the action of

officers of the Settlement Department who ruthlessly pruned away enhancements illegally exacted from the raiyats since the passing of the Tenancy Act. They argued that because a rent has been successfully extorted for three years it becomes, *ipso facto*, the rent payable, *i.e.*, legally payable, and that the Settlement Officer had no discretion to go behind the rent actually paid during the preceding three years or to examine if the stringent provisions of Section 29 of the Act had been disregarded.

We understand that in another district an eminent native notable had succeeded in extorting, immediately after the conclusion of the settlement operations, agreements to pay unlawfully enhanced rents from numbers of his tenants. Evidently he and his fellow-landowners in Bhagalpur considered that as the law of 1885 had for so long been a dead letter, it should continue to be so if they could manage to annul its provisions in practice. And no doubt they relied on the disinclination of civil courts to enforce laws in restraint of "free" contract (save the mark!) especially when the "free" contract is between a raiyat and the zemindar of a thousand square miles, backed by the moral influence of a legion of peons with thick *lathis* and scarlet *pagris*. Their view clearly was that the "fair" rent for a holding is the utmost they can squeeze out of the tenant, and they proved themselves to be past masters in the gentle art of enhancing rents by fictitious re-measurements, unjustifiable re-classification and a multitude of more tortuous methods. All their arguments were practically a re-hashed version of those brought forward in 1892 when the Settlement and Survey operations were begun in Behar, and one would have thought that a reference to the masterly disposal of them in Sir A. P

Macdonell's Minute of 1893 (September) would have sufficed for their disposal.

But apparently the Bengal Government thought that "something must be done" and a draft Amendment Bill to the Tenancy Act was circulated in the cold weather of 1904-05. Its salient feature was an admission (by implication) that Section 29 of the Bengal Tenancy Act was obscure in meaning, and the proposed remedy was a childish attempt at deciding "when is a legal presumption not a presumption." A proposed new Section 29 was inserted that annulled as far as it could the well-considered conclusions of the Rent Law Commission and the framers of the Act of 1885. But, luckily, the absurdity of the new proposal was so patent that it was obvious to everyone except its sponsors, and it died a natural death under a storm of adverse criticism from all the officers who had a practical knowledge of the working of the Tenancy Act. Its disappearance was accelerated by an authoritative decision of the Calcutta High Court to the effect that Section 29 really means what it conveys in plain English; and that the Behar Settlement Department was absolutely correct in its interpretation and application of the section. Subsequently, committees were appointed to consider the need for specific amendments of the Tenancy Act on certain limited points. As a result of their deliberations, this Amending Act of 1907 has been passed. It purports to have been framed in the interests of the tenants, but a very close examination yields but little that is likely to benefit the tenants, and it discloses much that may easily react to their great and unforeseen disadvantage.

The most striking novelty in this Amending Act is based on the acceptance of the assertion that the existing

method of procedure in Rent Suits is unduly protracted, and a summary method is introduced. This summary method is not to be availed of except by chosen Zemindars whose accounts are correctly kept, and who are recommended by the local officers as fit and proper persons to be allowed to avail themselves of this summary procedure. The new procedure is, briefly, a short cut to the issue of a decree for the amount claimed. It is admittedly based on the method adopted by Government and known as the Certificate Procedure, which is largely used to recover cesses for roads and public works, and rents in khas mahals and in wards' estates. But there is underneath a false assumption. The accounts in the Government Offices are kept as accurately and as honestly as possible. Those who keep them have no personal interest in falsifying them, or in making demands that are not due. The landlords' agency for keeping accounts is hopelessly corrupt, and they have every incentive to making false statements of arrears. Even a *bonâ fide* error would be productive of unnecessary worry to the unlucky tenant; and a tardy admission that there was an error would not compensate the *raiyat* for the harassment to which he had been exposed.

We are not favoured with any statement of the reasons that have satisfied the Bengal Government that a summary procedure for the recovery of rents is required in Bengal. The enormous benefits of the Permanent Settlement are all clear profit, almost, to the Zemindars. If proprietors in temporarily settled areas pleaded for an accelerated method of realizing their arrears of rent they would have a much better case than have these Bengal Zemindars whose revenue-demand is frequently not more than a thirtieth or a fortieth part of their rent-roll. Again, it may be said that fully 80 per cent. of

rent suits are uncontested. Yes, but the average time required for the disposal of uncontested rent suits is only about 10 or 11 weeks. The proposed certificate procedure will not materially abridge that. The balance of contested cases will drag on in either court, whether the deciding officer is a Revenue officer or a Munsiff.

But a greater objection by far is the proposal that puts on the tenant the onus of proving that he has *not* paid up his rent. We are not aware of any country where the debtor has not to prove his claim. But the Bengal Zemindars are so sorely in need of protection that a benevolent Government says—"You need only make a claim and the tenant is straightway called on to disprove your claim." We need not enlarge on the utter absurdity of asking anyone to prove a negative—most of all a wretched raiyat, illiterate and defenceless against the unlimited resources of a relentless Zemindar or tahsildar. It is true that he can appeal to the Civil Court, if he has been wrongly dispossessed of his holding and sold up by this beneficent summary procedure. Surely the Bengal Government is aware that to tell a tenant that his remedy lies in a civil suit is equivalent in the majority of cases to telling him that he has no remedy at all; and where is a tenant who has lost his holding (by being sold up) to find funds for filing a formal suit? His only hope of raising money is a mortgage on his land; and neither mahajan nor village bank will lend a homeless, landless outcaste anything.

We need not enlarge on the many familiar devices that are practicable (and are practised all too often) to suppress all knowledge of the pending proceedings till the holding is brought to sale. We commend to the

notice of those who have framed these proposals for summary rent-suits the accumulated views of their predecessors as to the effect of summary methods for recovering rents since the days of the "*Paneham*" and "*Haftam*" (of evil memory) downwards. A good and just landlord has no trouble in realizing his lawful demands. The others (we hope they are not the majority) need no assistance from Government.

We notice that this summary procedure is only to be used where a Record of Rights has been prepared and is subject to periodical revision. As far as we are aware, no steps have as yet been taken to keep up to date the Records of Rights in Behar. In the United Provinces grave difficulties have been experienced in revisional work; and the difficulties are not likely to be less in densely populated districts like Saran and Muzaffarpur. Recent experiments in Balasore have revealed them.

Again, co-sharer landlords are now enabled to sue separately for their rents when they have been apportioned. We recognize that it was a troublesome thing sometimes for them to sue for rent; but it was always open to apply for the appointment of a common manager. Now it is the tenant who must suffer because of quarrels among his landlords. We recommend all tenants to deposit their rents in Court rather than expose themselves to a succession of rent-suits for purposes of harassment.

The question also arises, what officers are available to try these "summary" rent-suits? It is not contemplated to leave them to Munsiffs and the Civil Courts. This is an abandonment of the position deliberately taken up about 1868, when rent-suits were handed over to the Civil Courts. We imagine that the present revenue

authorities will say that they have quite work enough on hand. In Saran there are usually over 11,000 certificate cases dealt with annually for the recovery of cesses; what the number may rise to if summary rent-suits are added, is difficult to estimate.

We have nothing but praise for the sections in this Amendment Act that impose a duty on Civil Courts to consult the duly-framed Record of Rights, especially with regard to the rent payable; and that provide for the framing of a Record of Rights in certain cases on the application of a proportion of the tenants. Other sections that tend to diminish litigation, when under the previous law the effect of decided cases was to foment litigation, are well conceived and should have a beneficial result. But we regard with apprehension this new summary procedure, as it can easily be made an engine of oppression: and we look in vain in the former and recent histories of landlordism in Bengal for any adequate justification for its introduction. We hope to examine its operation when it is actually put in force (if ever) and we should be very pleased to find that our apprehensions have been unfounded.

X.

Art. III.—OLD CALCUTTA.

SOME VANISHED HOUSES.

"Change...is as much a necessity to the human heart and brain in buildings as in books."—*Ruskin.*

IN no city of the modern world have architectural changes been so remarkable as in the metropolis of India. We refer not only to alterations in the prevailing style of architecture but to the disappearance of former landmarks well known in the past and their displacement by subsequent buildings. It is proposed to recall a few instances of old houses in the City of Palaces which have now disappeared.

THE OLD COURT HOUSE.

On the site of St. Andrew's Kirk of the present day and the road to the west of it leading to Lyon's Range, Mr. Richard Bourchier, Second Member of Council and Master Attendant of the Port of Calcutta, built a house in 1727 by public subscription for "educating poor European children in the Protestant religion." This was the first charity school in Calcutta and boys were boarded here till the middle of the eighteenth century. Mr. Bourchier, who on his retirement became penniless and died an insolvent, was for ten years Governor of Bombay and is said to have advised Clive and Watson to attack Gheria in 1756. The Mayor's Court, established in 1726, used to hold its sittings in a portion of the house which is described as having been of "one floor and very spacious." The building was made over to the Company in 1734 on condition of their paying Rs. 4,000 annually to the funds of the school. Additions were made to it in 1762 and here the sittings of the Supreme Court were held.

The house as it appeared in 1786 is shown in one of Daniell's Views as a two-storeyed structure "with a portico running along its whole length and surmounted by a wide verandah." It was also used as the Town Hall and as an "exchange, post office, quarter sessions office, public entertainments and assembly rooms." It was here that Freemasonry in Bengal had its head-quarters till about 1786 when the craft removed to a building in Lal Bazar opposite the present Police Office and adjoining the old Harmonic Tavern. The floors of the Court House being found unsafe, the structure was dismantled in 1792. Some thirteen years later, arrangements were proposed by the Lottery Committee for the erection of the new Town Hall. The Police Office at Lal Bazar was the property of John Palmer, a "merchant-prince" of Calcutta and son of Lieutenant-General William Palmer, Private Secretary and Confidential Minister of Warren Hastings. John Palmer, who was known for his magnificent hospitality, sold the building to Government for the purpose of a Police Office and Court. The house west of the Police Office formerly contained *hammams* or warm baths, while the old Jail stood on the opposite side of the street and executions took place on the cross-roads near it. Opposite the Jail and next to the Police Office was the famous Harmonic Tavern, which was by far the handsomest building then existing in Calcutta. It has been described as being supported by a "select number of gentlemen, who, each in alphabetical rotation, give a concert, ball and supper, during the cold season, once a fortnight." It is further said to have been capable of "accommodating five or six hundred persons with ease." Latterly the building was used as the Sailors' Home and has since been replaced by the Magistrate's Court.

THE FIRST CHURCH stood on the ground now occupied by the octagonal chamber of the Bengal Legislative Council at the corner of Dalhousie Square and Clive Street. Out of compliment to the Queen, it was dedicated to her patron saint, and was known as the Presidency Church of St. Anne and was consecrated on June 5, 1709. The lofty spire is said to have been uncommonly magnificent and formed the "principal object in every view of the town." It was built by the "pious charity of merchants residing in Calcutta and the Christian benevolence of sea-faring men" who came to trade there. The Governor is said on every Sunday to have *walked* to it "in solemn procession attended by all the Civil Servants and all the military on duty" as his Honourable Masters had informed him that if he wanted a "chaise and pair" he would have to pay for them himself. The steeple of the church was blown down (according to Archdeacon Hyde) in the cyclone of 1737 and the building itself demolished twenty years later by the soldiers of Siraj-ud-Daula. The land remained waste for nearly another score of years, when arrangements were made in 1776 for the erection of a range of buildings for the accommodation of "writers" or junior servants of the Company who were originally employed in doing copying work. It was a huge barrack-like white-washed structure and came to be known as Writers' Buildings. Daniell shows it in 1780 as a "three-storeyed bungalow of the plainest possible construction." Writers drawing less pay than Rs. 300 were allowed quarters in the new building. Afterwards when the age for entering the Company's Civil Service was raised, and the period of a writer's stay in Calcutta reduced, this "nursery of proconsuls" came to be deserted and the structure was occupied as

Government offices. Transformations were subsequently made to it by Sir Ashley Eden and it came to be known as the Bengal Secretariat. Among other churches which have disappeared, may be mentioned the old Portuguese Church which gave its name to the street and which was "succeeded in 1797 by the present Roman Catholic Cathedral," and the old St. James's Church in Baitakhana.

THE OLD FORT AND THE COLLEGE.

The plot now occupied by the "General Post Office, the adjoining block of Government offices, the Custom House and the East India Railway House" was the site of the Old Fort William, so named after King William III. during whose reign it was built in the form of an irregular tetragon. Thanks to the labours of the late Dr. C. R. Wilson, the history of the Fort is now too well known to be retold. The building was so strongly constructed that, when in 1819 it was pulled down to make way for the Custom House, the "pick-axe or crow-bar was of no avail and gunpowder was obliged to be resorted to." The College attached to the Fort stood at the corner of Council House Street on the site of the present premises of the Bengal-Nagpur Railway Company. It was established by Lord Wellesley in 1800 for the education of young civilians something after the manner of Haileybury. The College was closed in 1828 and the building used for many years as the Exchange by Messrs. Mackenzie, Lyall & Co. In a portion of the house the *Bengal Harkaru* press was also located. On the site of the Oriental Bank, now known as the Royal Exchange, stood the house of Lord Clive and this gave its name to Clive Street of the present day. The building is said to have been rented in 1776 by Sir Philip Francis at £100 per month. Another

account, however, states that No. 9, Clive Street, now occupied by Messrs. Graham & Co., was the dwelling of the founder of Calcutta. The Bonded Warehouse, opposite the Royal Exchange, was the home of Mrs. Frances Johnson, grandmother of the Earl of Liverpool and better known by the name of "Begum" Johnson.

The Theatre.

At the south-west corner of Lal Bazar and opposite the Old Court House stood the structure where the first theatre in Calcutta was held. The playhouse was situated in the block to the north of Writers' Buildings now called China Bazar. It was served by amateur performers and is said to have equalled "the most splendid European exhibitions." The authorities graced the place with their presence and the managers sent, in 1772, a present of two pipes of Madeira to David Garrick for the trouble "that great actor had taken to promote their theatrical attempts at this distant quarter." A new playhouse furnished with windsails on the roof to "promote coolness by a free circulation of air" was built in 1775 at a cost of Rs. 50,000 at the north-west corner of Lyon's Range on the site of the offices of Messrs. Finlay, Muir & Co., the former theatre being used for some time as an auction-room. In the ball-room attached to the new structure "state receptions and public breakfasts" were held till 1808. The Chowringhee Theatre was built in 1813 at the south-west corner of the present Theatre Road, which received its name from that circumstance. The building was destroyed by fire in 1839 and a temporary theatre was started on the site of the Ezra Buildings at the corner of Old Court House Street and Waterloo Street. Until very recently there was in Lindsay Street a wooden building known by the name

of the Opera House. It was once known as English's Theatre, and here on the night of January 1, 1876, Charles Mathews, Junior, played before King Edward VII., then Prince of Wales.

THE ICE HOUSE.

At the corner of Hare Street on the grounds now occupied by the garden attached to the Small Cause Court, was constructed, in the 'forties, "a strangely shaped globular building by Mr. Longueville Clarke, the well-known barrister, from the proceeds of public subscription (as well as a Government donation) for supplying the people of Calcutta with ice imported from Boston. Up to 1834 Calcutta got its supply of ice from the manufacturers at Hugli, but owing to the exigencies of the weather the quantity was very uncertain. On the construction of the building, ice was supplied to Calcutta by Mr. Frederick Tudor of Boston. His agent in Calcutta was one Mr. Bacon and the first cargo arrived with seven hundred tons of ice. In 1850 a Mr. Caleb Ladd was Mr. Tudor's agent for the sale of ice in Calcutta. On the 1st of January of that year a ghastly tragedy was enacted in the building, one Mr. John Knox, who though not connected with the ice concern, had his quarters in the house, being found murdered in his room. The house was dismantled in 1882 and the tragic event connected with it is all but forgotten. To the east of the ice house and on the site now occupied by the Small Cause Court buildings were the Marine House and Master Attendant's office. Before 1756 the "Marine House had been the mansion of the President outside the Fort and went by the name of the Company's House." The present Metcalfe Hall—that imposing structure representing the Tower of the Winds at Athens—which was erected to

perpetuate the memory of Lord Metcalfe whose short term of office as Governor-General was signalised by that noble act, the emancipation of the Press, is said to stand on the site of the official residence of Roger Drake, Governor of Bengal and District Grand Master of the Freemasons. At that time the river flowed by the side of the house, and it was from here that, with a few followers, Drake escaped in a vessel down the river, when the future metropolis of India was besieged by the army of Siraj-ud-Daula in 1756.

THE OLD MINT.

To the south of Metcalfe Hall and on the site now occupied by the Stationery Office stood the ship-building establishment of the Gillets. In 1791 the Dock having been filled up, the Old Mint was established here and Company's rupees coined till 1832 when the New Mint was constructed in its present quarters on the Strand Road beyond the Hugli Bridge. The old building (shewn as Nos. 4 and 5, Church Lane in Wood's map of 1784) came to be occupied by the Stamp and Stationery Committee. Messrs. Moran & Co., indigo brokers, had their firm in the adjoining house and their sales were advertised so late as 1870 and even when they had removed to Mangoe Lane, as being held at the "Old Mint Mart." Before 1791 "coinage was executed by contract," chiefly with John Prinsep, the famous father of six famous sons, who had an establishment for that purpose at Fulta. Mr. Prinsep is said to have made over his machinery to Government in 1784. "The first money was coined in Calcutta in 1762 with the Mogul's head and a Persian inscription." St. John's Church now marks the site of the powder magazine and the old Burial Ground. The old Post Office stood at the corner of Church Lane and Hastings Street, and the

house was afterwards occupied by Mrs. Eliza Fay, the authoress of *Original Letters from India*. A later Post Office was located in Old Post Office Street, to the opposite side of it (on land now covered by the High Court), being the house of Sir J. W. Colville. In the 'fifties and 'sixties the General Post Office stood in Hare Street at the corner of Bankshall Street on the site now occupied by the Small Cause Court and adjoining the Tudor Company's Ice House.

THE COUNCIL HOUSE

stood on the western portion, while the New Government and Council Houses of Hastings' day occupied the southern compound of the present Government House. The Old Government House, where the Governor-General resided, was a large building in the centre of Fort William. A description of it will be found in Bishop Heber's *Narrative*. The Imperial Secretariat and Treasury buildings stand on the site formerly occupied by Spence's Hotel and the Old Loudon Buildings, so named after the Marchioness of Hastings who was Countess of Loudon in her own right. Here also was the house occupied by Sir Eyre Coote.

In front of Curzon Park (where until lately the Dharamtala Tank was situated) and on the site now occupied by the stately mansion of the Foreign and Military Departments, was a four-storeyed building known to Calcutta residents for a long time by the name of "charmahala;" built by a Mr. Gordon; it was called "Gordon's Folly" and must have been occupied by the Military Department during the 'thirties and 'forties, for we find it shewn as Mr. Gordon's House in Schalch's map of 1825, while a later map of Calcutta (Simms, 1847) locates the Military Department in it. Adjoining the structure stood the drapery establishment of Messrs.

Moore & Co. under the name of "Belati Bungalow." It was surmounted by a clock tower on which again, stood the figure of a lion.

The Old Supreme Court

stood on the site now occupied by the western portion of the High Court and was erected between 1780 and 1784. Though an imposing structure as regards its interior, its external appearance is said to have been the reverse. On the eastern side it was separated by a narrow lane from the dwelling-house of Mr. Longueville Clarke, the father of the Calcutta Ice House and founder of the Bar Library. The Court House was a two-storeyed building, the Grand Jury Room being on the upper floor while the lower flat was occupied by the Court room. The Asiatic Society of Bengal used originally to hold their weekly sittings in the Grand Jury Room.

A Haunted House.

In Calcutta as in other places there exist certain buildings which, for good reasons or otherwise, enjoy the reputation of being "haunted." Besides Hastings' House, which has recently been taken over by Government for the purpose of being used as a State Guest House and the well-known ghost story connected with it, there stood in Free School Street a fine mansion adjoining the mosque that still faces the opening of Kyd Street, which was known as a haunted building. This was called Dr. Vos's house from the fact of Dr. J. G. Vos having lived here. Later on, it was used as a boarding-house for females and went by the name of the Ellerton Home. Owing to a dispute between the proprietors—two Mahomedan brothers, if our information is correct—the house was allowed to fall into disrepair and utter ruin till eventually it had to be pulled

down. The Free School stands on the site of the house occupied by Justice LeMaistre, one of the Judges of Impey's time. Established in 1789, it was the oldest educational institution in Calcutta and was "engrafted on the old Charity School" in 1800. The old house fell in 1854 through "jackals undermining the foundation" when the present spacious building was constructed.

Some Houses in Chowringhee.

On the ground now occupied by the Loretto Convent at the end of Middleton Row was a two-storeyed building which claimed for its occupant Sir Elijah Impey, the first Chief Justice of the Supreme Court. The house stood in an extensive deer-park surrounded by a fine wall with a circular tank in front. The park extended to Chowringhee Road on the west, an avenue of trees leading from the house northwards through Middleton Row into the main entrance at Park Street. "The present road runs over what was the carriage drive from Park Street to the house." At that time Chowringhee was considered "out of town" and wayfarers did not frequent the road except in large parties for fear of dacoits by whom the locality is said to have been infested. Impey's residence was guarded by a posse of sepoys who patrolled the house and grounds at night. The thoroughfare which was formerly known as Burying Ground Road obtained its modern name of Park Street from the fact of its leading to Sir E. Impey's park and house. The building, it may be stated, was in former days used as the garden house of Mr. Henry Vansittart, Governor of Bengal, and in a later year was occupied by Bishop Heber before he removed to No. 5, Russell Street. The first house in Russell Street, which has now been replaced by the building known as "Golightly Hall," is said to have

been constructed during the closing years of the eighteenth century by Sir Henry Russell, Chief Justice of the Supreme Court. It was in this building that Landor's early love, the Hon. Rose Aylmer, who had come out here as the guest of her aunt Lady Russell, spent her short Indian life, passing away at the age of twenty on March 2, 1800. It was to her that Walter Savage Landor wrote his well-known elegy. The house was used as a boarding establishment during the 'fifties and was tenanted in later years by Sir Barnes Peacock and Justice Norman. The premises at the corner of Kyd Street and Chowringhee recently occupied by the United Service Club covers the site of the residence of John Palmer already mentioned as the prince of Calcutta merchants. It was afterwards occupied by Dr. Simon Nicolson, Physician to Lord Dalhousie, who is described as having been the most celebrated medical man of his day in Calcutta. It is said that the avenue leading across the Maidan past the Mayo statue was constructed to enable him to have direct access from Chowringhee to Government House. The house had at one time been tenanted by Lieutenant-Colonel Robert Kyd, Military Secretary to the Government of Bengal, who was mainly instrumental in the establishment in 1787 of the Calcutta Botanical Gardens. Kyd Street was named after him.

The above are only a few instances of the architectural changes which the City of Palaces has undergone induced in no small measure by the wants of progressive society.

KIRAN NATH DHAR, B.A.

Art. IV.—THE HINDU CASTE-SYSTEM.

THE *rationale* and genesis of the caste-system are to be found in the Bhagavat Geeta. Verse 41 of Chapter XVIII means thus: the actions of the four castes—Brahmana, Kshattriya, Vaisya and Sudra are divided according to their disposition and quality. That is to say, the principle of the division of society into castes or sections is based upon the nature of actions and qualities. And it stands to reason that there should be [redacted]est or differentiating cause for the classification of [redacted]iety. The Geeta then lays down the distinctive features of the four castes. Those of a Brahmana are tranquility, self-restraint, divine contemplation, forgiveness, candour, knowledge, experience and faith; those of a Kshattriya are bravery, energy, firmness, skill, not to play the fugitive in battle, liberality and dignity of deportment; those of a Vaisya are agriculture, tending of cattle and trade. The usual duty of a Sudra is service. This general outline of duties forms the land-marks, marking out the several castes. They qualify one to be ranked in one class or another. The possession of certain qualities or the pursuit of certain callings determines the nomenclature to be applied to a certain caste. So long as one possesses such qualities or pursues such callings, it is reasonable and proper to confine him to a certain class, of which such qualities or callings are its peculiar characteristics. But suppose a Brahman ceases to possess such qualities which entitle him to be ranked as such, in other words, he becomes *patit* or fallen in the language of the Shastras or adopts the avocations prescribed for the other castes, should he in the interests of individual and

social progress be still called a Brahmana and continue to enjoy the rights and privileges appertaining to the rank of a Brahmana? Again, suppose a Sudra gives up his menial occupations, is found possessed of high moral qualities or follows some honourable profession or calling, should we keep him in his degradation and not encourage him for his rectitude, intelligence and diligence by promoting him to a class of which he is found deserving? The fact that Rishi Vishwamittra, a Kshattriya, was promoted to the rank of a Brahmana on account of his sanctity and learning goes to show that the Hindu Shastras do not present an insurmountable obstacle to such a promotion taking place. Hindu society has undergone considerable changes as regards the manners and customs, modes of living, and of transacting business of its members. Western ideas of civilisation have gone a great way towards modifying our primitive habits and practices.

Under such circumstances Hindu castes should be reorganised on broad and liberal principles. We are not for doing away with caste-distinctions and mixing society pell-mell.

In the society of every nationality, constituted as it is at present, there must be Aryas and Sudras, Peers and Commons, Patricians and Plebeians so long as education which is the common leveller commencing from the higher orders is not filtered down to the lowest stratum of society. Education and moral worth and not the mere accident of birth should be the standard of caste distinction.

This leads to the discussion of the question whether the institution of caste is divine or human. Did God with nice discrimination mark out a certain class as his chosen or elect in preference to others which were not

deemed worthy of His favour ? Did he stamp upon it a certain permanent badge of superiority such as the sacred thread to distinguish it from others ? In other words, is a person born a Brahmana or made one ?

This question is solved in the well-known sloka which means that a person is born a Sudra, he becomes a *dwija* or the twice born by the performance of religious rites and sacraments, a *bipra* or the enlightened by the study of the Vedas and a Brahmana when he knows Brahma or the God.

From this it clearly appears that caste status cannot be claimed as a divine gift as is erroneously supposed by some orthodox Hindus, but is simply a mark of distinction based upon occupation, learning and character. The grouping of society into classes is based upon division of labour. Such a classification is artificial and not real, no calling or avocation as a means of honest livelihood should be condemned as ignoble. Each one is a link in the great chain binding together the multifarious divisions of society. Instead of being causes of insuperable barriers, these callings should be so many bonds of union among all classes in our society—a union of hearts, though not a union in respect of dining together or intermarrying with one another—a consummation of things which considering the present constitution of Hindu society is not easily practicable. It is only when through the influence of education all classes attain a tolerably uniform standard of intellectual and moral excellence that perfect social equality is possible. What is demanded in the interests of civilisation and national advancement is that some classes of society as such should not be regarded as heaven born and others as fallen. Neither the principle of indiscriminate brotherhood professing sympathy towards objects not deserving of it nor the

extreme denationalising tendency producing habits of exclusiveness and estrangement and hating everything native recommends itself to our judgment. The pretensions of the sacerdotal or Brahminical class expecting merely as such all other classes to prostrate themselves before and offer it servile obeisance are highly absurd. The official classification of the people into the upper, the middle and the lower classes of society based upon money qualifications is open to the objection that it does not give due weight to the more substantial qualities of the head and heart. But looking at the matter more closely it appears that this sort of distinction is perfectly innocuous in its effects as it is required for statistical descriptive purposes. It is not meant to imply disparagement of obscure merit or virtuous indigence. The object of the social reformer is to introduce such improvements among all the classes as may result in a state of equality. But arbitrary caste distinctions or precedence of one caste over another based not upon intrinsic merit but upon vague traditionary reports are not justifiable. A person succeeding to a very large fortune may justly be classed among the rich but not among the virtuous and good if he lacks those noble qualities which distinguished his ancestors. For this reason the undeserved popular homage which it has become customary to pay to mere fortune is objectionable. The objects of such adulation are generally spoilt as it takes away from them the strongest motive to rest the fame of their exalted position upon a sure footing. An heir succeeding to a large fortune surrounded by sycophants and toadies whom he would have put to blush if he had such culture of mind as to realise the emptiness of unmerited and interested applause, may dissipate his wealth in gambling, debauchery and reckless extravagance. Such

silly and thoughtless commendation vitiates the public taste, impairs independent judgment, holds out a premium to indolence and imbecility, gives undue preference of fortune to merit and thereby obstructs or retards social progress by withholding encouragement and support from men of sterling but unknown merit through whose unappreciated philanthropic exertions and unsympathised noble sacrifices progress is effected That caste system is a human institution is further proved from the historical account of the system to be found in standard works of Indian history. This account shows that a gross superstition was the result of the monopoly in religious knowledge enjoyed by the higher classes—that knowledge which was the birth right of all Hindus for three thousand years, that knowledge without which a nation is dead.

Hindu society is divided into numerous classes, each class generally pursuing a different occupation or calling. Among the Mahomedans as with the Europeans, the nature of a man's occupation does not create caste distinctions. No doubt wealth confers respectability, but there is nothing to prevent a rich Mahomedan merchant from intermarrying or dining with a petty Mahomedan trader. Not only the primary castes, Brahmanas and Sudras, but the endless sub-divisions of the latter on account of their following different avocations stand aloof from each other in social intercourse. Weavers, potters, blacksmiths, carpenters, oilmen, washermen, barbers, etc., are so many sub-castes. Let us now point out some of the advantages and disadvantages of the caste system. No human system is thoroughly perfect. Allowing for the short comings of our limited range of vision and experience, the influence of passion or prejudice which clouds our

judgment to see things in their true colours, the omnipotence of habit which is aptly called second nature tending to produce stolid conservatism unwilling to part with what it has been long familiarised, the best course for us should be to allow a system or practice to stand if by balancing the advantages with its disadvantages the former are found to outweigh the latter. The system should not be eradicated but pruned down and trimmed so as to afford room for future luxuriant and improved growth. The thought and manners of the West permeate those of the Indians and social revolution without healthy reform must be deplored when questionable canons are introduced into the system. Organisation and not disorganisation should be the motto in the adjustment of society, and it must needs be a matter for serious apprehension when revolution seeks to occupy the place of reform.

As to know a disease is half the cure, some of the defects of the caste-system may be pointed out so that these may be removed when the public mind is thoroughly alive to them.

In the first place caste pride deters most of its members from taking to pursuits which are useful and profitable but which these snobs consider as menial and beneath their dignity. Sir William Hunter mentions in his "Annals of Rural Bengal" that during the famine of 1866 it was found impossible to render public charity available to the female members of the respectable classes and many a rural household starved slowly to death without uttering a complaint or making a sign. The same authority has pointed out the economic defects of the Hindu caste system. Accustomed to look upon toil as a work of slavery, the Hindus have never worked more than was necessary

to supply their wants. Capital, therefore, the surplus of production above consumption, has never existed; and in the absence of Capital any high advance in material civilisation is impossible Another element of such an advance, co-operation, has been unknown. Division of labour in its literal sense of giving to every man a separate employment has indeed been carried to its utmost length, but the division of labour in its economical signification as a method of co-operation has been rendered impossible by the contempt which divides man from man. On this subject false appearances and inaccurate names for such appearances have led many writers into error. Division of labour as a term of political economy means a division of processes in order to an ultimate combination of results. Division of labour as predicable of Indian arts or manufactures means a division of results effected by a combination of processes. Our social organisation and economy has been much affected by the influence of foreign civilisation to the detriment of our indigenous industries. The levelling tendency of Western education is a potent factor in the poverty of the country. The men who were instrumental in the introduction of Western education into India fondly believed that that education would level up. They imagined that European literature and science would succeed in destroying the caste-system and thus in bringing about a fusion of the multifarious Hindu castes into one. All that European literature and science have succeeded in doing is making each seperate caste into a social republic which owes only a nominal allegiance to the Brahmans but which is thoroughly independent of the other castes. The wisdom of the West has succeeded in disintegrating so far the social polity of India. And

it is doubtful whether any further disintegration is possible in this direction. At all events it is doubtful whether such disintegration will ever do any good to the Indian people. The results which have flowed from it are far from encouraging. For the results have been that the so-called lower castes, the castes which had hitherto represented the industrial classes have forsaken and are daily forsaking the industries in which their ancestors had excelled and are jostling with the higher or intellectual castes in the learned professions in the hope of becoming gentlemen. The education of the West, it must be held, has brought in its train a snobbishness which in times past was entirely foreign to the Hin[illegible] nature and the existence of which was impossible und[illegible] the iron rule of the caste-system as it stood in pre-British times. All this as much as the competition of the West is responsible for the death of our indigenous industries. There is no doubt of the fact that these industries were placed at a fearful disadvantage when they had to face the competition of the West supported as the latter was by all the discoveries and appliances of modern science which have taken captive the forces of nature and are making them work for the benefit of man. But if we consider the situation calmly we must admit that there were other causes at work besides the competition of the West. In the present state of things the only course left open to our people is for the intellectual classes to take to some of the industries and thus show to the people that they are their real leaders. It is time for the intellectual castes to show by practice that their belief in the dignity of labour is a sincere and honest belief and not a mere sham.

By co-operating with the people the intellectual classes can not only promote the material prosperity of

the country, but remove all causes of strife and dissension among them. A careful insight into Hindu society cannot fail to disclose real homogeneity amidst apparent heterogeneity. Some European writers erroneously believe that the Indo-Aryans treated the Sudras after the manner of Russian serfs, Greek helots or Roman plebeians. They were regarded more as children and dependents than as slaves or conquered people. There was not that feeling of humiliation and self-abasement under foreign yoke on the one hand and that haughty, domineering and insulting deportment as is observed between the Indians and Anglo-Indians. The principal duty of Hindu kings was to please their subjects and consult their real interests. They were looked up to as the natural leaders and rulers of mankind and their authority was supported more by moral and spiritual force than by an animal one. Their easy subjugation by marauding and plundering barbarians was not due to the discontent of their subjects or want of social amalgamation but to their apathy and indifference to material prosperity and self-aggrandisement, their heart being more bent upon securing a place in heaven than upon consolidating an empire on earth. But whatever may have been the state of things in ancient times, it is evident that the Hindu castes as they stand at present are drawn towards one another by ties of sympathy and common religion. "The system of caste," says Sir Henry Cotton, "far from being the source of all the troubles which can be traced in Hindu society has rendered the most important service in the past and still continues to sustain order and solidarity. The admirable order of Hinduism is too valuable to be rashly sacrificed before the Moloch of progress-

Better is order without progress if that were possible than progress with disorder."

The agitation in connection with the Consent Act has shown that caste distinctions do not stand in the way of the Hindus uniting for the defence of their religious rights. The history of the Indian National Congress goes to show satisfactorily that in spite of caste distinctions and wide differences of race and creed, the Indians can unite nationally for the enforcement of their political rights. Like Sir Henry Cotton, Dr. Hunter has also paid a well-deserved tribute of praise to the Hindu caste-system. "The system of caste," he says, "exercises a great influence upon the industries of the people. Each caste is in the first place a trade guild. It ensures the proper training of the youth in its own special craft; it makes rules for the conduct of business and it promotes good feeling by feasts or social gatherings. The famous manufactures of mediæval India—its muslins, silks, cloths of gold, inlaid weapons and exquisite works in precious stones—were brought to perfection under the care of the castes or trade guilds. Such guilds may still be found in full work in many parts of India."

K. C. KANJILAL, B. L.

Art. V.—HISTORY OF JOURNALISM IN INDIA.

IV.

I—BENGAL.

THE same liberality of sentiment which actuated Lord William Bentinck to render the Indian Press substantially free, and to allow official men to canvass unreservedly the measures of Government in the public journals under anonymous signatures* with degree of fearlessness and freedom altogether unampled, in consequence of which some of the ablest papers which have ever been published on Indian matters, appeared in the papers of the day, also prompted his successor, Lord Auckland, not only to support heartily the liberation of the Indian Press as effected by Sir Charles Metcalfe, but also to press on the Court of Directors the necessity of recalling the very impolitic prohibition which then existed against any of their servants being connected with the Indian Press in virtue of the restrictions imposed, as we have seen before, in Lord Amherst's time. Lord William Bentinck's liberal administration made these restrictions totally inoperative, and it remained for Lord Auckland to point out to his masters that the old and restrictive policy had become superannuated by the progression of public opinion in India, and that it should be formally revoked to permit a free intercourse between the Service

* Under the signature of "Indophilus," Sir Charles Trevelyan always wrote in the papers. "Brahminee Bull" was Sir Harry Lawrence's pseudonym; "Ghost of a Salt Officer" and "Bol Ponjis" those of Henry Meredith Parker; "Numbernip," "Griffith," "Endeavour" and "Fiat Justitia" were the *nom-de-plumes* under which Captain Robert Adair Macnaghten used to write. The letters of the *Ghost of Goinda* which appeared in the *Bengal Hurkaru* and which stirred Lord Dalhousie to appoint a Police Commission, were written by a servant of Government.

and the Press. A correspondence then followed between the Indian Governor-General in Council and the Court of Directors at home, the result of which was the following Notification :—

No. 1608, Notification, Fort William, Political Department, the 28th June 1841.—With reference to a Notification from the General Department of the 11th May, 1826, the Governor-General in Council is pleased to notify that by para. 3 of a letter of the Hon'ble the Court of Directors in the Political Department, dated 21st April No. 9 of 1841, the existing prohibition against the connection of their Servants with the public newspapers has been revoked, subject to the restraints upon Military Officers by the rules of the service.

By order of the Right Honourable the Governor-General of India in Council.

T. H. MADDOCK,

Secretary to the Government of India.

Another important question regarding the relation of Government with the Press which for some time engaged the attention of Lord Auckland was one of establishing a Government paper to expound and support its measures. This question did not arise in Lord Auckland's *regime* for the first time. It was originally brought under the discussion of the Court of Directors by the Marquis of Wellesley whose special pleading for a Government organ in Bengal we have read already. The Court of Directors did not sanction the plan of Wellesley for a Government paper. In Lord Auckland's time it arose for the second time in the following way, and received all that attention from the Indian Governor-General in Council which its importance demanded. The question was brought under discussion by a communication from Calcutta for instructions relative to the

appointment of an editor of the *Calcutta Courier*,* then a daily paper, and a formal proposition from Bombay for securing some one paper in the interest of the Government at that Presidency. Sir William Hay Macnaghten,† then Secretary to the Government of India in the Secret and Political Departments, strenuously urged upon the attention of Lord Auckland not only to approve the proposal of the Bombay Government for having a Government organ, but also to adopt the same arrangement in Calcutta, either by subsidising the *Calcutta Courier* or by starting a new paper as a Government organ. A consultation took place in which, besides the official men like Ross Donnelly Mangles, Frederick Halliday, William Hay Macnaghten, non-officials like John Clark Marshman, editor of the *Friend of India*, Joachim Hayward Stocqueler, editor of the *Englishman*, George Prinsep, editor of the *Calcutta Courier*, and several others, took a prominent part. The result of the deliberation was that Lord Auckland did not deem it advisable to depart from the general principle on which he had always acted—of obtaining an influence over as many papers as were disposed to deal fairly and reasonably with Government, but to avoid any direct and

* On the 4th April, 1832, the *Calcutta Courier* was begun to be published by the Military Orphan Society as a bi-weekly paper in the place of the *Government Gazette* which ceased to appear under the authority of Government after its issue of the 29th March, 1832. The Government began to publish the *Calcutta Gazette* under its authority from the 1st April, 1832, and the Military Orphan Society changed the name of the *Government Gazette* to the *Calcutta Courier* from the above date. The first editor was Mr. George A. Prinsep. There were both daily and bi-weekly issues of the *Calcutta Courier*. In the beginning of 1837, Mr. George A. Prinsep, the editor, became seriously ill, and the Military Orphan Society sought instructions from the Government of Lord Auckland for the appointment of his successor, as there was then some close relation between Lord Auckland and the editor of the *Calcutta Courier*. The Governor-General eventually declined to have any voice in the appointment of the editor of the paper. Mr. Prinsep died in December 1837, and the General Management of the Military Orphan Society selected Mr. Frederick Osborne of the Calcutta Bar to succeed Mr. Prinsep as editor of the *Calcutta Courier*.

† On 23rd December, 1841, he was treacherously killed by the son of Dost Muhammad at Kabul where he went as British Envoy.

exclusive connection with any of them. The reasoning on which this determination was based, will now afford a good idea of the manner in which Lord Auckland was accustomed to consider the various public questions which were brought before him. He considered that in India there was no Government party from which a paper on the Government side would receive a large independent support. In England, the Government or the Opposition papers supported the *principles* of their different parties, and the more consistent and respectable among them acquired on that account both credit and influence. They maintained a friendly connection, on that side, with the Government, but they could not be identified with the Government. In India, the Army cared for its own interests—the lawyers, merchants and English settlers for theirs,—while the Civil Servants were too small and divided a body to form a powerful united interest. Among all these classes, there were moderate and fair-judging men who would read with attention well-written and accurate expositions of the acts or motives of the Government, but there was no great number who would take in a paper, because the Government was generally defended by it. Such a paper would have, therefore, to lean for support chiefly on the Government itself, and it would come to be regarded as a mere Government Organ. Then would follow all the disadvantage of the Government being rudely attacked where it could carry on no equal contest. The Government paper must be dull and true. Against it would be hurled every weapon of abuse and misrepresentation ; wit and satire; scandal and personality. Even if the journal was not an avowed organ of Government, it would inevitably be regarded as a Government paper, when the editor was discovered

to have been appointed at the suggestion of Government, and was seen to possess something of a monopoly of early intelligence. The effect of a monopoly of this kind would certainly be to turn all other papers against it. Government would have one weak friend—not respected, because not supposed to be independent—and all else incensed and interested foes.

Arguing in the foregoing way, Lord Auckland not only rejected the proposal of the Bombay Government for securing some one paper in the interest of Government at that Presidency, but also refused to appoint an editor of the *Calcutta Courier* on the part of Government. So long as Lord Auckland remained in Calcutta certain degree of civility was maintained with all the papers, with one or two (the *Englishman* and the *Calcutta Courier*) a closer connection. Items of intelligence were distributed among them and were most gratefully received. This privilege was much valued for news in this country then was scarce and a reputation for obtaining what there was, was much prized. By this means, there was little difficulty in obtaining, somewhere or other, publication for any fact or statement which it was considered desirable to make known—and a generally temperate tone in the newspapers was pretty well preserved in Lord Auckland's time. It was this mode of influence which Lord Auckland would prefer to any such more direct measure as that which had been suggested to him by the Bombay Government. On the 28th February, 1842, Lord Ellenborough succeeded Lord Auckland as Governor-General of India. He seldom read Indian newspapers, and the cordial relations which existed between his immediate predecessor and the Calcutta editors became extinct in his time. On the 30th August, 1843, in a fit of vexation at Colonel

Sleeman's appeal* to the Press in defence of his own character, Lord Ellenborough passed the following order :—

No. 150, Fort William, Foreign Department, the 30th August, 1843 :—Some misconception appearing to exist with respect to the power which Officers of both Services have over the documents and papers which come into their possession officially, the Governor-General in Council deems it expedient to notify, that such documents and papers are in no case to be made public, or communicated to individuals without the previous consent of Government to which alone they belong.

The Officer in possession of such documents and papers can only legitimately use them for the furtherance of the Public Service in the discharge of his official duty ; and it is to be understood that the same Rule which applies to documents and papers applies to information of which Officers may become possessed officially.

By order of the Right Honourable the Governor-General of India in Council.

J. THOMASON,

Secretary to the Government of India.

This order effectually neutralised the liberal Notification of the Court of Directors issued in 1841 under the inspiration of Lord Auckland, and fatally extinguished

* In August, 1843, Colonel (afterwards knighted) William Henry Sleeman became the object of repeated vituperation in the columns of the *Delhi Gazette* for his mismanagement of the Bundelkhund and Saugor territories of which he was then Assistant Agent to the Governor-General. In this attack of Colonel Sleeman's administration the *Bombay Times* was enlisted by his enemies. Instead of remaining silent, Colonel Sleeman took the wise course of making the Press which had been the instrument of abusing him, the channel of his vindication. On the 2nd August, 1843, from Jhansee, Sleeman addressed a letter to the *Bombay Times* completely refuting the charges hurled against his public character. In this letter which was published in the *Bombay Times* on the 12th August, 1843, he enclosed translations of the official documents which were submitted by him to the Right Honourable the Governor-General of India, Lord Ellenborough, as well as the correspondence which accompanied them. In the *Bombay Times*, these secret confidential official documents were published along with Colonel Sleeman's defence, for corroboration. Lord Ellenborough was greatly displeased at the disclosure of the official documents containing his own orders. Hence His Lordship passed the above order forbidding all Government servants to disclose official documents and information.

the bright prospects which were opened in regard to the improvement of the country by free intercourse between the servants of the Company and the Press. Strange as it may appear now, it is an undeniable fact that the only measure of Lord Ellenborough's Government in India which the Court of Directors had regarded with complacency and acted on, was the above order which nullified their own order and prohibited the communication of all information* officially obtained. During the next two Governor-Generalships of Lord Hardinge and Lord Dalhousie, the relation of Government with the Press was not in any way disturbed, though in 1849, baseless rumours that Lord Dalhousie contemplated founding an Official organ to support his Annexation Policy were published in the newspapers. Dalhousie might have thought over such a scheme, but never allowed it to go forth to the public either for discussion or for opinion. His attitude towards the Press was one of studied indifference.

Next we come to the time of Lord Canning when the liberty of the Press was thought incompatible with the state of insurrection. Freedom of publication was regarded as dangerous to the well-being of the State and had to be suppressed in consequence for a season. Before the Mutiny actually broke out, a series of intemperate articles were published by the English newspapers

* The most unfortunate victim of the above notification was Captain Joseph Davey Cunningham, the famous historian of the Sikhs. While Agent at Bhopal in 1849, he published his memorable *History of the Sikhs*, which, though favourably received in general, gave offence to some of his superiors as he stated that in the First Sikh War, where he was present as a Captain, two of the Sikh generals were bought by the British Generals. This was strenuously denied by the high officials, and the result to Cunningham was the loss of his political appointment and his relegation to ordinary duty by Lord Dalhousie, on the ground of his having used in his *History* information confidentially known to him in his official capacity. The circulation of the first edition of this *History* was also stopped as far as possible by the Government. The author died heart-broken on 28th February, 1851, at Umballa.

of Calcutta and Bombay, especially in the *Bengal Hurkaru* and the *Bombay Times*. The former was then edited by Sidney Laman Blanchard,* and the latter by Dr. George Buist. Lord Canning thought that these articles might, if perverted by translation, have a very mischievous effect. So, on the 13th June, 1857, Lord Canning called a meeting of the Indian Legislative Council, and in a speech of half an hour's duration, proposed the following Gagging Act, to be applied to all Indian newspapers, European and Native. The Law passed through the second and third stages in ten

* Eldest son of Samuel Laman Blanchard, commonly known as L. Blanchard, the friend of Douglas Jerrold and Bulwar-Lytton, and well-kn in London literary circles in the first quarter of the nineteenth century. He wa born about 1825 and began his career, after the death of his father in 1845, as Private Secretary to Benjamin Disraeli, then a rising English statesman, and afterwards Premier of England and first Earl of Beaconsfield. In 1854, he first came to Calcutta and became editor of the *Bengal Hurkaru*, which post he held up to the outbreak of the Sepoy Mutiny in June 1857. It used to be said that owing to Blanchard's attacks in the *Bengal Hurkaru* on his pro-native attitude that Lord Canning introduced his Gagging Act which not only resulted n the suppression of the paper for five days (from the 19th to the 24th September), but also in the editor's resignation of his office to appease the Governor-General i Council. On the suppression of the Revolt, Messrs. A. O. Hume, H. G. Keene and others, formed a small syndicate at Allahabad to conduct a journal in the North-Western Provinces under the ambitious title of "The New Times for all India." The editorial chair was given to Sidney Laman Blanchard. The paper did no last long, and Blanchard returned home in 1864. In England he supported himself mainly by contributing to current literature. In 1873, he was sent out by General Nassau Lees, proprietor of the *Times of India* under a contract to take a part in the editing of the *Times of India* as assistant editor. On his second journey to India he accompanied the late Mr. Grattan Geary who also came out as General Manager of the *Times of India*. But Blanchard and the Manager seem to have early disagreed. The Proprietor took sides with the Manager, and Mr. Blanchard was required summarily to leave the office. He sued for damages which the Bombay High Court assessed at ten thousand rupees With this sum Blanchard purchased the *Indian Statesman* from its proprietor, the late Mr. Robert Knight, in the middle of 1875. The *Indian Statesman*, however, did not flourish under his direction, although he was a clever and capable writer, but too guileless to combat the subtleties which permeate journalism in the East. In 1876, he was obliged to sell the plant of the newspaper and declared himself an insolvent. The machinery and working plant of the *Indian Statesman* were sold by the Official Assignee of Bombay. Blanchard then joined the *Civil and Military Gazette* of Lahore for a time and returned to England about 1880. He died at Brighton in November 1883. He married Miss Helen Carmichael, daughter of Dr. Hugh Carmichael. On the 15th March, 1855, the ceremony too place at the old St. James' Church, Calcutta, and was repeated the same day at the Roman Catholic Church of the Sacred Heart at Dhurrumtollah. In 1862, he wrote *The Ganges and the Seine*; Scenes on the banks of both, 2 vols,; in 1866, *Yesterday and To-day in India*; in 1871 *Riddles of Love or the Knav of Hearts*, 3 vols

minutes, and Lord Canning assented to it at once. The members present did not offer a word of objection to the measure.

Legislative Council, 13th June, 1857.

The following Act, passed by the Legislative Council of India, received the assent of the Right Honourable the Governor-General this day, and is hereby promulgated for general information.

Act No. XV of 1857.

"An Act to regulate the establishment of printing presses and to restrain in certain cases the circulation of printed books and papers."

Whereas it is expedient to prohibit the keeping or using printing-presses, types, or other materials for printing, in any part of the territories in the possession and under the Government of the East India Company, except with the previous sanction and license of Government, and under suitable provisions to guard against abuse; and whereas it may be deemed proper to prohibit the circulation, within the said territories, of newspapers, books or other printed papers of a particular description: It is enacted as follows:—

I. No person shall keep any printing press or types, or other materials or articles for printing, without having obtained the previous sanction and license for that purpose of the Governor-General of India in Council, or of the Executive Government of the Presidency in which such printing-press, types, or other materials or articles for printing are intended to be kept or used, or of such other person or persons as the Governor-General of India in Council may authorise to grant such sanction or license; and any person who shall keep or use any printing-press, or types, or other materials or articles for printing, without having obtained such license, shall be liable, on conviction before a magistrate, to a fine not exceeding five thousand rupees, or to imprisonment not exceeding two years, or to both.

II. If any person shall keep or use any printing-press, or types, or other materials or articles for printing, without such

sanction or license as aforesaid, any magistrate, within whose jurisdiction the same may be found, may seize the same, or cause them to be seized, together with any books or printed papers found on the premises; and shall dispose of the same as the Governor-General of India in Council, or the Executive Govenrment of any Presidency, or such other person as the Governor-General in Council shall authorise in that behalf, may direct, and it shall be lawful for any magistrate to issue a search warrant for the entry and search of any house, building or other place, in which he may have reason to believe that any such unlicensed printing-press, types, or other materials or articles for printing are kept or used.

III. Whenever any person or persons shall be desirous of keeping or using any printing-press, or types, or other materials or articles for printing, he or they shall apply by writing to the magistrate within whose jurisdiction he proposes to keep or use such press or other such materials or articles as aforesaid, or to such other persons as the Governor-General in Council, or the Executive Government of the Presidency, or such other person as the Governor-General in Council shall authorise in that behalf, may appoint for the purpose. The application shall specify the name, profession, and place of abode of the proprietor or proprietors of such printing-press, types, or other materials or articles for printing, and of the person or persons who is or are intended to use the same, and the place where such printing-press, types, or other materials or articles for printing are intended to be used, and such application shall be verified by the oath, affirmation or solemn declaration of the proprietors and persons intending to keep or use such printing-press, types, or other materials or articles for printing, or such of them as the magistrate or other person to whom the application shall be made shall direct, and any person wilfully making a false oath, affirmation or declaration, shall be deemed guilty of perjury.

IV. The magistrate shall forward a copy of such application to the Governor-General in Council, or to the Executive Government of the Presidency, or to such other person as may be authorised to grant the license; and the said Governor-

General in Council, or such Executive Government, or other person as aforesaid, may at his or their discretion, grant such license subject to such conditions (if any) as he or they may think fit, and may also at any time revoke the same.

V. If any person or persons shall keep or use, or cause or allow to be kept or used, any such printing-press, types, or other materials or articles for printing contrary to the conditions upon which the license may have been granted or after notice of the revocation of such license shall have been given to, or left for, him or them at the place at which the printing-press shall have been established, he or they shall be subject to the same penalties as if no such license had been granted; and such printing-press, types, and other materials or articles for printing may be seized and disposed of in the manner described in Section II of this Act.

VI. All books and other papers printed at a press licensed under this Act, shall have printed legibly thereon the name of the printer and of the publisher, and the place of the printing and publication thereof; and a copy of every such book or printed paper shall be immediately forwarded to the magistrate or to such other person as the Government or other persons granting the license may direct; and every person who shall print or publish any book or paper otherwise than in conformity with this provision, or who shall neglect to forward a copy of such book or paper in manner hereinbefore directed, unless specially exempted therefrom by the Governor-General in Council, or other person granting the license, shall be liable on conviction, before a magistrate, to a fine not exceeding one-thousand rupees, and in default of payment to imprisonment for a term not exceeding six calendar months.

VII. The Governor-General of India in Council, or the Executive Government of any Presidency may, by order to be published in the Government Gazette, prohibit the publication or circulation, within the said territories, or the territories subject to the said Government, or within any particular part of the said territories, of any particular newspaper, book, or other printed paper, or any newspaper of any particular description, whether printed within the said territories or not; and whoever,

after such prohibition, shall knowingly import, publish or circulate, or cause to be imported, published or circulated any such book or paper, shall be liable for every such offence, on conviction before a Magistrate, to a fine not exceeding five thousand rupees, or to imprisonment not exceeding two years or to both ; and every such book or paper shall be seized and forfeited.

VIII. The word "printing" shall include lithographing. The word "magistrate" shall include a person exercising the powers of a magistrate, and also a Justice of the Peace ; and every person hereby made punishable by a Justice of the Peace may be punishable upon summary conviction.

IX. Nothing in this Act shall exempt any person from complying with the provisions of Act XI of 1835.

X. No person shall be prosecuted for any offence against the provision of this Act, within fourteen days after the passing of the Act, without an order of the Governor-General in Council or the Executive Government of the Presidency in which the offence shall be committed, or the person authorised under the provisions of this Act to grant licenses.

XI. This Act shall continue in force for one year.

NOTIFICATION.

FORT WILLIAM, *Home Department, 18th June, 1857.*

With reference to the provisions of Act No. XV of 1857, it is hereby notified that application for licenses to keep or use any printing-press, or types, or other materials or articles for printing within the town of Calcutta, are to be made to the Commissioner of Police.

The Lieutenant-Governor of Bengal is authorised to grant licenses under the said Act, and to appoint any person or persons to receive applications for such licenses in any part of the lower provinces of the Presidency of Bengal except the town of Calcutta.

The Lieutenant-Governor of the North-Western Provinces is authorised to grant licenses under the said Act, and to appoint any person or persons to receive such applications in

any part of the North-Western provinces of the Presidency of Bengal.

The Governor of the Straits Settlements, the Chief Commissioners of the Punjab and Oude, and the Commissioners of Mysore, Coorg, Nagpore, Pegu and the Tenasserim and Martaban provinces, are authorised severally to appoint any person or persons to receive such applications within the provinces, districts and settlements under their control.

The conditions upon which licenses to keep or use any printing press or types, or other materials or articles for printing will ordinarily be granted, are as follows :—

1. That no book, newspaper, pamphlet, or other work printed at such press, or with such materials or articles, shall contain any observations or statements impugning the motives or designs of the British Government, either in England or India, or in any way tending to bring the said Government into hatred and contempt, to excite disaffection or unlawful resistance to its orders, or to weaken its lawful authority, or the lawful authority of its civil or military servants.

2. That no such book, pamphlet, newspaper or other work, shall contain observations or statements having a tendency to create alarm or suspicion among the native population of any intended interference by Government with their religious opinions and observances.

3. That no such book, pamphlet, newspaper, or other work, shall contain observations having a tendency to weaken the friendship towards the British Government of native princes, chiefs, or states, in dependence upon or alliance with it.

The above conditions apply equally to original matter, and to matter copied from other publications.

A copy of every book, pamphlet, newspaper, or other work published in the town of Calcutta, is to be immediately forwarded to the Commissioner of Police.

By order of the Right Hon. the Governor-General in Council.

CECIL BEADON,

Secretary to the Government of India.

At the meeting of the Legislative Council held on the 13th June 1857 at which the above Act was passed, there were present Lord Canning, the Governor-General, President in the Chair, the Hon'ble J. A. Dorin, Vice-President; the Hon'ble Chief Justice, Sir James William Colville, of the Calcutta High Court; the Hon'ble Major-General J. Low; the Hon'ble J. P. Grant; the Hon'ble B. Peacock; Mr. Currie; Mr. Le Geyt; and the Hon'ble Sir Arthur Buller. Lord Canning said: "Before the Council proceeds to the Order of the Day, I ask permission to bring before it a subject of pressing and paramount importance. Those whom I have the honour to address, are well acquainted with the present aspect of public affairs in the northern parts of India. The general disaffection of the Bengal Army in the North-Western Provinces, the lawlessness and violence of the evil-minded part of the population to which this disaffection has given opportunity and encouragement, the pillage, the heart-rending loss of life, and the uprooting of all order in that part of the country, are painfully notorious. I will not dwell upon them. Neither will I trace the causes which have led to these calamitous results, or describe the means by which the Government is meeting and repressing them. But there is one quarter to which I desire to direct the attention of the Council—a quarter from which the evil influences which now pervade so many minds have been industriously put in motion, and to which a large portion of the discontent instilled into our troops and our ordinary harmless and peaceable community, is attributable. I doubt whether it is fully understood or known to what an audacious extent sedition has been poured into the hearts of the native population of India within the last few weeks under the guise of intelligence supplied to

them by the native newspapers. It has been done sedulously, cleverly, artfully. Facts have been grossly misrepresented—so grossly, that, with educated and informed minds, the very extravagance of the misrepresentation must compel discredit (hear, hear). But to native readers of all classes scattered through the country, imperfectly acquainted with the proceedings of the Government, and not well instructed as to what is passing even immediately around them, these misrepresentations come uncontradicted and are readily credited.

In addition to perversion of facts, there are constant [illegible]ilifications of the Government, false assertions of its [illegible]poses and unceasing attempts to sow discontent and [illegible]natred between it and its subjects.

Again opportunities have been taken to parade before the eyes of the inhabitants of the capital and of our soldiery and subjects elsewhere, a traitorous proclamation put forth by those who are in arms against the Government in the North-Western Provinces crying for the blood of Europeans, offering rewards for rebellion [illegible]and denouncing all who shall continue faithful to the Government.

I am speaking to a body whose Members have more experience of the native character, and of the working of the native mind than I possess. But it needs little of this to see that it is impossible that all this mischief can be afoot and unrestrained without producing wide-spread disaffection, lamentable outbreaks and permanent injury to the authority of Government.

Against such poisoned weapons, I now ask the Legislative Council to give to the Executive Government the means of protecting itself, its army and its subjects; and I know no means by which this can be effectually accomplished other than a Law which shall give to the

Executive Government a more absolute and summary control over the Press than it now has in its hands. With this view, I propose to introduce a Bill this day, and as a preliminary step, I move that the Standing Orders be suspended, in order that the Bill may be carried through its several stages, and passed forthwith.

The several provisions of the Bill will be read *in extenso* by the Clerk of the Council. The measure is framed upon the principle that no Press shall exist without a license from the Government; that the license shall be granted by the Governor-General in Council under such conditions as he may think fit; on the infraction of any of these conditions, it shall be in the power of the Governor-General in Council, and, in the distant parts of the Empire, of local Governments to whom he may delegate the authority, to withhold such licenses, or, if one has been already granted, to recall it.

One of the sections provides that the Bill shall have effect for one year, and for one year only. At the end of that period, the subject will again be before the Legislative Council, and the Legislative Council would know how to deal with it according to the circumstances of the moment.

It is also provided that the Bill shall be applied, not only to Bengal, but to all India. The question involved is one which, in my opinion, deserves not only at the present juncture, but at all times, to be treated as an imperial one (Hear, hear). It is a question in regard to which India should be ruled by one authority (Hear, hear). I also propose that the Act shall extend to all periodical and other publications, European as well as Native, whatever their condition or character.

The remarks which I have taken occasion to make with reference to the Native Press, I do not direct to

the European Press. But I see no solid standing ground upon which a line can be drawn marking off one from the other when the question is to prevent matter calculated to work mischief at a crisis like this. For whilst I am glad to give credit to the conductors of the European Press for the loyalty and intelligence which mark their labours, I am bound by sincerity to say that I have seen passages in some of the papers under their management, which, though perfectly innocuous so far as European readers are concerned, may, in times like the present, be turned to the most mischievous purposes in the hands of persons capable of dressing them up for native ear. I am glad to admit that the Bill is not especially levelled at the European Press; but I do not see any reason, nor do I consider it possible in justice to draw a line of demarcation between European and Native Publications. The Bill, accordingly, applies to every kind of publication, whatever the language in which it may be printed, or the nature of the persons who are responsible for what is put forth in it.

I cannot conceal from the Council that I have proposed this measure with extreme reluctance. It is one which no man bred in the atmosphere of English public life, can propose to those who are vested with the high authority of legislating for English dominions without some feelings of compunction and hesitation. But there are times in the existence of every State in which something of the liberties and rights which it jealously cherishes and scrupulously guards in ordinary seasons, must be sacrificed for the public welfare. Such is the state of India at this moment. Such a time has come upon us. The liberty of the Press is no exception. And now, upon my responsibility as the Head of the

Government of India, and with the unanimous support of the colleagues, with whom I have the honour and satisfaction to act, I ask the Legislative Council to strengthen the hands of the Executive Government by investing it with the powers which will be given by the Bill which I here lay on the table." (Hear, hear).

His Lordship then moved that the standing orders be suspended, in order that he might carry the Bill through its several stages forthwith. The motion was seconded by Mr. Dorin and agreed to. On the motion of the President, the Bill was read a first and second time. The President then moved that the Council resolve itself into a committee on the Bill. The Chief Justice of the Calcutta High Court then rose and said: "he should venture to offer a few observations—which, perhaps, he ought rather to have made on the motion for the second reading—on the subject of this Bill. He fully admitted the gravity of the step which he was about to take. The Council was called upon suddenly to suspend the privilege which had now been enjoyed a quarter of a century by the population of this country —a privilege to which all Englishmen are attached. Having heard the statement of his Lordship to-day, he thought it right emphatically to declare that he was ready to take his share of responsibility involved in the adoption of the measure (Hear, hear). The freedom of the Press was a privilege conceded only on the principle that it would conduce to the public good. That it did answer that end in ordinary times, he fully believed; and there was no privilege against the arbitrary abrogation of which he would more earnestly contend. But it was obvious from the statement made by his Lordship to the Council that owing to circumstances

unhappily within the knowledge of us all, we were now in no ordinary times. The Executive Government of this country, then,—those upon whom lay the burden of protecting the people; a burden which so far as one not connected with them might offer an opinion on the point, they had faithfully borne (Hear, hear),—told the Council that effectually to meet the exigency of the times, it required the extraordinary powers conferred by this Act. It seemed to him that this Council would be taking upon themselves a far greater responsibility than they would in passing this Bill, if they should refuse those powers to the Government of the country in momentous crisis. He, therefore, did believe that those who had hitherto enjoyed the privilege, whether European or Native—and he would make no distinction between Europeans and that body of Native who, he believed, was well affected towards the Government, and which included all who had anything to lose, or the wit and knowledge to see that no good rule could arise from a Government ordained by a faithless soldiery, would perceive that whatever the value of the freedom of the Press, they should as readily submit to the loss of that privilege as, he hoped, they would submit to any call upon their purse or person at a moment like this. At all events, he could say freely and readily that the powers which the Government asked for in this Bill were necessary. He greatly regretted the necessity for such powers; but as he saw the necessity, he willingly consented to the remedy." The Bill passed through Committee with amendments, was read a third time and assented to by the Governor-General at once.

On the 25th June following, a brilliant article appeared in the *Friend of India*, then edited by Mr.

Henry Mead,* on "The Centenary of Plassey." The Governor-General in Council took objection to the tone of the article and wrote thus to the Government of Bengal :—

No. 1202—From C. BEADON, Esq., Secretary to the Government of India, to the Secretary to the Government of Bengal.

Sir,—The attention of the Governor-General in Council has been given to the first leading article, headed "The Centenary of Plassey," which appeared in the *Friend of India* of the 25th instant and especially to the last two paragraphs, which, in the judgment of his Lordship in Council, are fraught with mischief and calculated at the present time to spread disaffection towards the British Government, both among its native subjects and among dependent and allied states.

* Mr. Henry Mead was an erratic genius who used to say of himself that God made him an editor and the Devil made him a speculator. In the early part of his Indian career which began in 1846, he was editor of the *Madras Athæneum* from which he was seduced in 1849 to take the command of the *Delhi Gazette*. At Delhi, Mead was not a success as an editor ; he left the place in 1850 to engage in some unfortunate mercantile speculations in Burma. There the diabolical influence of the Devil became stronger, and Mr. Mead lost a fortune. Returning to Calcutta in 1856 he was placed in charge of the *Friend of India* by Mr. Meredith Townsend who went home this year. On the outbreak of the Mutiny he wrote a brilliant article which has now a place in the history of the Mutiny—"The Centenary of Plassey"—in the *Friend of India* and brought down upon the paper the angry wrath of the Governor-General in Council which forced Mead to resign the editorial chair in order to save the *Friend* from suspension. Losing his post, he hastily put forward a book on the "The Sepoy Revolt" and got it published by Mr. John Murray in London. which, however, did not prove successful. In December 1857, he returned to England for some rest and came back to Ceylon in 1860. There Mr. Mead's latest effort of speculative genius took place. It consisted in a method of solidifying castor oil for export, so as, by diminishing the bulk of the ordinary cask stowage, to secure reduced freight. So far he was successful, but it was discovered, when the solidified castor oil got to England, that the cost of liquefying again came to double what the ordinary freight would have cost. Hence the speculation failed. In January 1862 Mr. Mead came over to Calcutta and assumed command of the *Bengal Hurkaru*. In Calcutta, too, he was ever going to make his fortune, in some clever speculation ; but alas ! fortune did not come except at last in the cruel form of a sudden and terrible death by drowning in the Hooghly. The story of the accident by which Mead and others were drowned in the river Hooghly is as follows : On Saturday, the 6th September, 1862, the Agent of the Oriental Inland Steam Navigation Company invited a party to a private trial trip on the new steamer the *Ganges*. Mr. Mead who was then editor of the *Bengal Hurkaru*, as stated already, and several others took to an unsafe boat and were engulfed in the river. The sole survivor of the party was Mr. John Blessington Roberts, the well-known Calcutta Presidency Magistrate. Mead was buried in the Lower Circular Road Cemetery, and a subscription was opened for his widow, which reached nearly Rs. 22,000. Both the Viceroy, Lord Elgin, and the Lord Bishop Calcutta, Bishop Cotton, subscribed to the fund. Mead was a Free Mason, a brilliant writer, a genial humorist, a sparkling conversationalist and an amusing and fascinating companion. He was one of the few Anglo-Indian editors who had learnt to eschew personalities and observe professional etiquette.

2. The article in question infringes every one of the three conditions upon which licenses to keep a printing press are now to be granted. It tends to excite disaffection towards the British Government amongst great masses of the people; it tends to create alarm and suspicion among the Hindoo and Mahomedan population of intended interference by Government with their religion; and it tends to weaken the friendship towards the Government, of native princes, chiefs, and states in dependence upon, and alliance with it.

3. Whatever the intentions of the writer may have been, the tendency of the article is above described, and the publication of such remarks, even if innocent and admissible in ordinary times, is now, under the critical circumstances which rendered the passing of Act No. XV of 1857 necessary, most dangerous, not only to the Government, but to the lives of all Europeans in the provinces not living under the close protection of British bayonets.

4. I am directed, therefore, to request that, with the permission of the Lieutenant-Governor, the views of the Government of India may be communicated to the publisher of the *Friend of India*, and that he may be warned that the repetition of remarks of this dangerous nature will be followed by the withdrawal of his license.

5. The Governor-General in Council has no intention of interfering with the fair discussion of public measures, but he cannot now permit the circulation in India of writings so framed as to excite popular disaffection.

I have, etc.,

C. BEADON,

COUNCIL CHAMBER, *29th June, 1857.* — *Secretary to the Government of India.*

The Secretary to the Government of Bengal communicated the above order to the publisher of the *Friend of India* thus:—

No. 298—From the Secretary to the Government of Bengal,

to J. C. MURRAY,* Esq., Printer and Publisher of the *Friend of India.*

Sir,—I am directed to forward for your information the accompanying copy of a letter No. 1202, dated the 29th June, 1857, from the Secretary to the Government of India in the Home Department, relative to an article which appeared in your paper of the 25th instant.

I have, etc.,
A. R. YOUNG,
Secretary to the Government of Bengal.

FORT WILLIAM, *29th June, 1857.*

On the receipt of the above, Mr. Henry Mead wrote another insolent article in the *Friend of India* of the 2nd July, called "THE FIRST WARNING," and on the 3rd July the Governor-General in Council was about to direct the revocation of the license of the paper when Mr. Macleod Wylie assured the Governor-General on behalf of the absent proprietor, Mr. Meredith Townsend,†

* Mr. James Murray came out to India in 1843 as an assistant to Messrs. Colvin, Cowie and Company, Bankers and Agents. In 1856 he became the Agent, Printer and Publisher of the *Friend of India* at Serampur. In 1860, he joined Messrs. Kettlewell, Bullen and Company. He was four times elected President of the Bengal Chamber of Commerce. He died on the 13th April, 1891.

† Mr. Meredith Townsend was born in 1831. For some time he was educated at Ipswich Grammar School where the late Professor C. B. Cowell was his class-fellow. In 1848, he came to Serampur from England more for education than for work. He was Mrs. J. C. Marshman's cousin, and was trained by her husband to succeed him as editor of the *Friend of India.* As a boy, Mr. Townsend was not remarkable as a student; in fact, he was more fond of flying kites than of reading books. One day, out of annoyance, J. C. Marshman feruled him so severely that the boy remained an invalid for six months during which he contracted his habit of reading, and when he recovered, Marshman found him a scholar in Bengali. In April 1850, Marshman revived his old vernacular weekly, *Sumachar Durpun* which was discontinued in 1841, under new name *Satya Pradip*, and Townsend was made its editor. Besides, he was entrusted with the writing of the "Week" of the *Friend of India* containing a summary of weekly news, as sub-editor of the paper. *Satya Pradip* was a short lived concern. In December 1852, J. C. Marshman retired from India, giving the editorship of the *Friend of India* to Mr. Townsend. In 1856 he became the sole proprietor of the *Friend of India.* In this year Mr. Townsend submitted to Mr. (afterwards knighted) Cecil Beadon, Secretary to the Government of India in the Home Department, a plan for publishing an indexed epitome of the principal Reports annually issued by the Supreme and Provincial Governments and of some of the Indian Blue books laid before Parliament. Lord Dalhousie accepted the plan and allowed an annual grant of Rs. 8,000 to Mr. Townsend. The first part of *The Annals of Indian Administration* as the publication was called, appeared in 1856. In 132 pages the editor analysed just 2 500 pages of Reports. Soon afterwards he published a

hat the *Friend of India* would be carried on so as to avoid all cause of complaint on the part of the Government and within the terms of the license. The following note was also submitted by Mr. Cecil Beadon, the Secretary to the Government of India.

With reference to the article which appeared in the *Friend of India* on Thursday last, headed "THE FIRST WARNING," the Secretary begs to submit a demi-official letter he has received from Mr. Macleod Wylie, on behalf of the absent proprietor, explaining that measures have been taken to prevent the insertion of further objectionable matter.

(Sd.) CECIL BEADON,
Secretary to the Government of India.

3rd July, 1857.

On the receipt of this assurance, the Government of India communicated thus with the Government of Bengal :—

Home Department—From C. BEADON, Esq., Secretary to the Government of India, to A. R. YOUNG, Esq., Secretary to the Government of Bengal.

Sir,—In consequence of the article which appeared in the *Friend of India* of the 2nd instant, headed "THE FIRST WARNING," the Governor-General in Council would have felt it necessary to direct the revocation of the license which has been granted to the publisher of that paper. His Lordship in Council only abstains from adopting this course in consequence of an assurance he has received on the part of the representa-

Thesaurus or general index to all the published Records of Government previous to 1856. Lord Canning, then Governor-General, expressed approval of the work which continued to appear in quarterly parts. In the beginning of 1857, Mr. Townsend left Serampur for a short while leaving the *Friend of India* and the other periodical with Mr. J. C. Murray as his Printer and Agent, and Mr. Henry Mead as editor. What took place in his absence we have seen above. In 1858 Mr. Townsend returned from England and resumed charge of both the publications. But as ill-health continued to harass him, he could not remain long at Serampur as editor of the *Friend of India* and *The Annals*. In March 1860, he left India for good, making over the entire charge of the periodicals to Dr. George Smith who was then acting as co-editor of these papers. In England Mr. Townsend soon became joint-editor and joint proprietor of the London *Spectator*. He is now living in retirement at home.

tives of the absent proprietor, that the newspaper shall, during his absence, be carried on so as to avoid all cause of complaint, and within the terms of the license.

2. The Governor-General in Council desires me to request that this may be communicated to the publisher.

I have, etc.,

C. BEADON,

COUNCIL CHAMBER, *3rd July, 1857.* } *Secretary to the Government of India.*

Next the *Dacca News* was warned thus :—

No. 456—From the Secretary to the Government of Bengal, to the Magistrate of Dacca.

Sir,—The attention of the Lieutenant-Governor of Bengal has been given to an article in the *Dacca News* of the 1st instant, headed "THE TENURE OF LAND BY EUROPEANS IN INDIA," which, in his Honor's judgment, manifestly infringes the conditions on which the license to the publisher of that paper was granted. I am directed, therefore, to request that you will warn the publisher that a second infringement of these conditions on his part will compel the Lieutenant-Governor to withdraw his license.

I have, etc.,

A. R. YOUNG,

FORT WILLIAM, *7th August, 1857.* } *Secretary to the Government of Bengal.*

No. 393.

To A. FORBES,* Esq.

Sir,—I have the honor to forward herewith a copy of a letter No. 456, dated the 7th instant, from the Secretary to the

* Mr. Alexander Forbes came out to India in 1842 with Dwarkanath Tagore when he returned after his first visit to England. On his arrival at Calcutta, Mr. Forbes took up his abode at the house of Dwarkanath Tagore and resided there for about two years, when he got an appointment in a small factory in which Dwarkanath Tagore had a share. About this time he fell in with the Magistrate of Pabna, Mr. Abercrombie (afterwards judge of the Twenty-four Parganas) who greatly advanced him in life. He first got him employed as Superintendent of Alli Meah's Zemindari and afterwards Manager of Dr. Lamb's Zemindaries and factories at Dacca and Mymensingh. He next became Secretary to the Dacca Bank, and in 1850, founded the *Dacca News* and edited it for some time. About 1854 he returned to England where he rendered to his party a deal of service by his evidence before the Colonisation Committee. Before the outbreak of the Sepoy Revolt, he

Government of Bengal referring to an article published in the *Dacca News* of the 1st instant and headed "THE TENURE OF LAND BY EUROPEANS IN INDIA."

DACCA,
Foujdary Adawlut,
Zilla of Dacca,
The 10th August, 1857.

I have, etc.,
C. F. CARNAC,
Officiating Magistrate.

Then the license of the *Bengal Hurkaru*, the foremost daily paper of the day, was withdrawn. The following correspondence took place between the Government of India and the proprietor of the paper.

No. 1829—From C. BEADON, Esq., Secretary to the Government of India, to W. SIMS, Esq., Proprietor of the *Bengal Hurkaru*.

Sir,—The attention of the Right Honourable the Governor-General in Council having been given to a letter which appeared in the *Bengal Hurkaru* of the 5th instant headed, "Extreme Measures," and signed "Militaire," I am directed to state that the observations contained in that letter manifestly involve a breach of the conditions of your license, and to warn you that if any further observations or statements of a like nature be inserted in the paper the license will be withdrawn.

I have, etc.,
C. BEADON,
11th September, 1857. *Secretary to the Government of India.*

came back to Dacca and assumed charge of the *Dacca News*. During the Mutiny—in August 1857—he indulged in some reflections on the "tenure of land held by Europeans in India" which were regarded by the Lieutenant-Governor of Bengal as infringement of the conditions of the license granted to the publisher of the paper under the Gagging Act, and was warned. In 1858, Forbes became editor of the *Bengal Hurkaru* and espoused most warmly the cause of the Indigo Planters of whose Association he soon become Secretary. Brett of the *Englishman* and Forbes of the *Bengal Hurkaru* played most prominent parts in the Indigo disturbances of 1860-61. In 1860, Forbes published *in extenso* the celebrated minute of Sir Charles Trevelyan, then Governor of Madras, against the Income Tax as proposed by James Wilson, the first Finance Member of the Viceroy's Council. It produced a violent revulsion of feeling not only in Calcutta but also in England. Trevelyan was recalled from the Governorship of Madras and took all the responsibility of the publication of his minute against the Income Tax in public prints on himself. Forbes was exonerated from all blame for publishing this confidential official document, and the clerks of the Finance Department who were suspended for having acted secretly with Forbes, by the Finance Member, were reinstated by Lord Canning. In 1861 when Walter Brett started the suit of defamation against the Rev. James Long, Alexander Forbes figured as the principal witness for the prosecution. In December 1862 Forbes died in Calcutta.

No. 1886—From C. BEADON, Esq., Secretary to the Government of India, to W. SIMS, Esq., Proprietor of the *Hurkaru* Press, No. 1, Hare Street.

SIR,—The Right Honourable the Governor-General in Council has perceived with regret that notwithstanding the warning conveyed to you in my letter No. 1829, dated the 11th instant, there have appeared in the *Bengal Hurkaru* newspaper of the 14th and 15th instant observations directly and obviously calculated to bring the Government into contempt, and to weaken its lawful authority and therefore opposed to the conditions of your license.

The observations in question are contained in an editorial article in the *Bengal Hurkaru* of the 14th instant, beginning with the words, "All India is eagerly watching the progress of public opinion at home," and in a letter under the signature of "Militaire" in the *Hurkaru* of the 15th instant, in which the objectionable expressions which led to the warning are repeated.

After this the Governor-General in Council feels that he has no course left open to him, but to revoke your license; and the license is accordingly hereby revoked.

It is not the intention of the Government to put in force against you the provisions of Sections 2 and 5 of Act No. XV of 1857, unless after this date you use the *Hurkaru* Press, types, or other materials, or articles for printing or cause or allow them to be so used.

I have, etc.,

C. BEADON,

18th September, 1857. *Secretary to the Government of India.*

From W. SIMS, Esq., Proprietor of the *Hurkaru Press*, to C. BEADON, Esq., Secretary to the Government of India.

Sir,—I beg to acknowledge the receipt of your letter No. 1886 conveying to me the resolution of the Right Honourable the Governor-General in Council to withdraw my license, on account of the letter signed "Militaire," which appeared in the *Hurkaru* of the 14th, and an editorial commencing "All India," etc., which was published in the *Hurkaru* of the 15th instant.

I have to express my regret that any writing whether communicated or editorial should have appeared in the *Hurkaru* calculated in the judgment of the Governor-General in Council to bring the Government into contempt; but I would beg you at the same time to represent to his Lordship in Council, that under my engagement with Mr. Blanchard, the editor of the *Hurkaru*, the internal economy and management of the paper is entrusted to him, and that neither the letter nor the editorial to which objection has been taken passed under my review before publication.

Mr. Blanchard has put into my hands the resignation of his office as editor, and I enclose his letter in original for submission to the Governor-General in Council, together with my assurance that if his Lordship in Council should so please, I am prepared to accept his resignation; and that in any case I will take care that the paper shall be hereafter so conducted as to be entirely free from offence to the Goverment, and from all comments tending in any way to call in question its motives or to obstruct its measures.

I trust that, as in the case of the *Friend of India*, the Governor-General in Council may see fit to accept this assurance on my part, and to permit the renewal of the license, and the republication of the paper as soon as possible.

I have, etc.,

W. SIMS,

Proprietor of the Hurkaru Press.

NO. 1, HARE STREET, *18th September, 1857.*

P.S.—I shall feel obliged by your returning to me Mr. Blanchard's resignation.

No. 1957—From C. BEADON, Esq., Secretary to the Government of India to W. SIMS, Esq., Proprietor of the *Hurkaru* Press.

Sir,—Having laid your letter of the 18th instant before the Right Honourable the Governor-General in Council, I am directed to state, that the law having been vindicated, His Lordship in Council has been pleased to grant you another license, which is accordingly herewith forwarded; you are requested to return the former license, which has been revoked.

2. In again granting you a license, His Lordship in Council desires me to observe, that the responsibility for what is printed at any Press rests upon the proprietor of that Press and upon him alone. It is the intention of the Government to enforce the law, but it will not interfere with the proprietor's choice of an editor.

The enclosure of your letter is herewith returned.

I have, etc.,

C. BEADON,

23rd September, 1857. *Secretary to the Government of India.*

The *Bengal Hurkaru* remained suppressed for five days—from the 19th to the 24th September—and re-appeared on Monday, the 25th September. There were no further troubles with the Calcutta Press during the time the Mutiny was rife in the Upper Provinces.

On the restoration of peace in 1858 and the transfer of Government from the East India Company to the British Crown, the great financier, the Right Honourable James Wilson, came out to restore equilibrium to the shattered finances of the Indian Empire He was greatly displeased with the strained relation between Government and the Press, and as he carried with him to the East a practical acquaintance with the literary accomplishments of an administration, it seemed to him, on his arrival in Calcutta, that an official organ was a necessity of Government's position in India. He, therefore, gave some degree of efficiency, for a time, to the two half-measures by which the Government of Lord Canning tried to make up for the absence of an acknowledged mouthpiece. One of these was the "Editor's Room," an apartment in which State papers of general interest were laid out for perusal by gentlemen connected with the Press. The other was the publication of such documents by means of the papers printed at the end

of the *Gazette*. Both of these plans were inadequate from the first, and both became useless, and worse than useless, when the strong will that had for a time overcome the traditional reticence of the Secretariats ceased to be felt. Editors gave up going to a room where they found nothing but departmental reports and tabular statements of merely local importance. At the end of the *Calcutta Gazette* only the returns of chinchona cultivation were printed for the delectation of journalists. Hence both the methods of James Wilson proved ultimately quite unsatisfactory.

In 1860 the Indian Penal Code, which was originally drafted by Lord Macaulay and his colleagues of the Indian Law Commission in 1837, was passed into Act XLV of 1860 by Sir Barnes Peacock, then Chief Justice of the Supreme Court of Calcutta, but in charge of the Indian Penal Code. At the suggestion of Lord Canning, then Viceroy of India, the Sedition Section of the Indian Penal Code,—Section 113 of the Penal Code of 1837 usually known as Lord Macaulay's Code, was altogether omitted from Act XLV of 1860, as the Viceroy thought that it was a direct attack on the liberty of the Indian Press. The Sedition Section of Lord Macaulay's Code of 1837 ran thus :—

113. Whoever, by words, either spoken or intended to be read, or by signs, or by visible representations, attempts to excite feelings of disaffection to the Government established by law in the territories of the East India Company, among any class of people who live under that Government, shall be punished with banishment for life or for any term from the territories of the East India Company, to which fine may be added, or with simple imprisonment for a term which may extend to three years, to which fine may be added, or with fine.

Explanation.—Such a disapprobation of the measures of the Government, as is compatible with a disposition to render obedience to the lawful authority of the Government, and to support the lawful authority of the Government against unlawful attempts to subvert or resist that authority, is not disaffection. Therefore the making of comments on the measures of the Government, with the intention of exciting only this species of disapprobation is not an offence within this clause.

In 1849 when the original Indian Penal Code of 1837, the first edition, came to be recast* by the Honourable John Elliot Drinkwater Bethune, then Legislative Member of the Governor-General's Council, the Sedition Section 113 became two sections, 131 and 132 of the revised Code thus :—

131. Whoever, by words spoken, written or printed, maliciously counsels the resistance by force of any law or lawful authority, is liable to transportation or imprisonment for seven years, and in either case, also to fine.

132. Whoever by words spoken, written or printed, or by signs or drawings, maliciously stirs up or endeavours to stir up any person to disobey the Law, is liable to imprisonment for three years, or to banishment: and in either case, also to fine.

But the second edition of the Indian Penal Code as drawn up by the Honourable Mr. Bethune was not more successful than the first. In 1853 when the new Legislative Council was formed in virtue of the Charter Act of 1853, the codification of Indian Criminal Law again excited attention, and on the 20th May 1854† Lord Dalhousie stated that a letter had been received from the

* This was really done by the second Indian Law Commission which was revived by Lord Dalhousie in September 1848 The Hon'ble Messrs. Bethune and Millet of the Governor-General's Council of India were appointed Law Commissioners, and Mr. John Peter Grant (afterwards Lieutenant-Governor of Bengal) was its Secretary.

† In October 1854 Lord Macaulay writes to his sister, Lady C. R. Trevelyan : "I can not be pleased to find that, at last, the Code on which I bestowed the labour of two of the best years of my life has had justice done to it. Had this justice been done sixteen years ago, I should probably have given much more attention to legislation, and much less to literature than I have done I do not know that I should have been either happier or more useful than I have been."

Court of Directors desiring to be informed of the progress made towards the completion of the Indian Penal Code. Hence the Penal Code as revised by the Honourable Mr. Bethune was submitted for opinion. Sir Lawrence Peel, then Chief Justice of the Calcutta Supreme Court, thus remarked on the two sections on Sedition, 131 and 132, as given by Mr. Bethune in the place of the original Section 113 of Macaulay's Code:—

"The proposed law as contained in these articles appears to me objectionable in not distinguishing between instigations to disobedience of the law in grave and in slight cases. In the latter the punishment is far too severe.

"If a man is liable to pay a sum of money under a decree of any Court and one advises him not to pay it, he instigates to disobedience of the law, and it would seem that in legal contemplation under this act, 'he would have reason to believe' that which it is inexcusable not to know, for *ignorantia legis non excusat.* But whether this be the intention may be doubted: assuming the meaning to have been that it must be a knowing instigation to the disobedience of the law, still such an indiscriminating mode of legislation seems highly objectionable, for instance, a liability to be banished for instigating a man not to obey a summons, but to keep away, would never be enacted by a Legislature dealing with that offence simply"

Referring to Clause 113, Mr. George Norton, Advocate-General at Madras, said:—

"As regards the object of defining the mode of slandering Government—'as by words either spoken or intended to be read, or signs, etc.' and of defining what shall constitute slandering, namely, 'the exciting feelings of disaffection,' as contrasted with the exciting

only feelings of such a 'disapprobation of measures of Government as is compatible with a disposition to render obedience and to support its lawful authority against unlawful attempts, etc.,' I conceive the composers of this Code are as unfortunate as all others have been in that effort. Words spoken and signs made and words written, with a view to sedition or of exciting disaffection, are of very different effect and criminality, and the vagueness in the definition of slander is such, that no two persons would probably agree in their sense of it. But the greatest objection appears to me to be the enormous severity with which the most trivial slander against Government by the most trivial sign of communication may be visited—extending as it may to banishment for life added to unlimited fine."

Mr. John Cochrane, Standing Counsel to the Calcutta Supreme Court, wrote thus on Section 113:—

"I think that as a mere matter of public policy, every Government should avoid punishing mere words unless such be accompanied by acts injurious to the interest of the State. But this clause does not only apply to words, but is in fact a direct attack on the public Press. The expression 'as is incompatible with a disposition to render obedience,' which is the qualification of the clause, appears to me of a very dangerous tendency and calculated to place men's rights and liberties in the discretion of each particular judge."

He was also opposed to the clause because of the severity of the punishment. Mr. W. Hudleston, Judge of the Sudder Court at Madras, thought the clause wholly indefensible. The following are the observations of the Law Commissioners:—

"The offence which the clause is intended to punish

is that of attempting to excite feelings of disaffection to the Government ; and to guard against too wide a construction of this term and to give free scope to that kind of temperate discussion and criticism of public measures which is conducive to the public good, an explanation is subjoined declaring that by disaffection is not meant 'such a disapprobation of the measures of Government as is compatible with a disposition to render obedience to the lawful authority of Government against unlawful attempts to subvert or resist that authority.' It seems to us that by this explanation, the discretion of the Judge is pretty well guided and limited, and that there is by no means so much danger of his transgressing the just line as Mr. Cochrane apprehends.

"As to the ways in which the attempt to excite disaffection may be made 'by words either spoken or intended to be read, or by signs, or by visible representations,' the terms expressing them are the same as are used in the definition of defamation, and we presume that the same reasons which determined the authors of the Code not to make a distinction between written and spoken defamation, determined them likewise not to make a distinction between seditious words spoken in order to excite disaffection in the hearers and seditious words written and intended to be read, the object being the same. These reasons are ably stated in the note to the chapter on 'Defamation.' As to sedition, there can be little question, we conceive, that the object of exciting feelings of disaffection to the Government may be effected more easily, more suddenly, and, therefore, more dangerously, by an inflammatory declamation on a popular topic, addressed to a multitude by a skilful orator, than by the circulation of written or printed papers. Mere vague words spoken at random ought

not indeed to be brought within this clause; but as in the Digest of the English Criminal Law Commissioners it is laid down that words spoken shall not be deemed to constitute an overt act of any treason, unless they be words of advice, direction, or persuasion, tending to effectuate some traitorous act or design, so here must be understood significant words of advice, direction, or persuasion, tending to excite the people to whom they are addressed to a degree of disaffection incompatible with a disposition to render obedience to the lawful authority of the Government, etc, and spoken under circumstances indicating a design to cause such excitement, or under circumstances from which the speaker must have known it to be likely that the words spoken by him would cause such excitement."

It seems that by the Common Law of England, "generally speaking any words, etc., tending to vilify or disgrace the King, or to lessen him in the esteem of his subjects" "even in common and unadvised discourse," "amount to a misprision punishable by fine and corporal punishment," as well as by imprisonment, and by special statutes persons advisedly speaking against the constitution on certain points, are liable to punishment by forfeiture of lands and goods, and imprisonment "at the King's pleasure, or as other authorities have it during life," which the Criminal Law Commissioners propose to change into imprisonment for a term not exceeding three years (the maximum term o imprisonment specified in the clause under consideration as the alternative for banishment) and fine at discretion.

By Article 5, Section 3, Chapter II of the Digest of the English Criminal Law Commissioners, "public speaking" is specified together with "the exhibiting of flags, inscriptions," etc., as means of "exciting in the

minds of the subjects of the realm hatred or contempt of the person of Her Majesty, or of Her Government, or of the Constitution of the United Kingdom," etc. "The exhibiting of flags" is a mode of using "signs or visible representation" within the scope of the definition in clause 113.

With regard to Mr Cochrane's objection that the provisions of this clause, (touching "words intended to be read," we presume) are an attack upon the public Press, we have only to observe that the objection appears to apply equally to the Law of England by which the "composing, printing, or publishing" a seditious libel tending to bring into contempt the person of Her Majesty or Her Government, etc., is a penal offence. "Publications, tending to degrade and vilify the constitution, to promote insurrection, and circulate discontent through its members, would," says Russel, "without doubt be considered as seditious and criminal." Such publications only, under the explanation subjoined to clause 113, would, we conceive, be liable to punishment by the provisions thereof.

In England in cases of this nature the first offence, it appears, is punishable at Common Law. For a second offence the punishment is by statute, the same as in cases of high misdemeanors, that is, we apprehend, by fine and imprisonment at the discretion of the Court. Formerly the offender might be sentenced to banishment for such term of years as the Court should award, but this part of the law has been repealed. The punishment proposed by the English Criminal Law Commissioners in their Digest, is imprisonment for a term not exceeding three years.

Before we conclude our remarks upon this chapter, we wish to advert again to the suggestion made by the

framers of the Code as to the expediency of the interposition of the Imperial Legislature to pass a law of High Treason for the territories of the East India Company. We conceive that offences of a treasonable nature committed against the Government of India, must in contemplation of law be considered as offences against the Crown. And we have consequently very grave doubts whether the Council of India is not excluded from all legislative power on the subject, by that part of the 43rd section of the Charter Act, which provides that they shall not "in any way repeal, vary, suspend, or affect," "any part of the unwritten laws or constitution of the United Kingdom of Great Britain and Ireland, whereon may depend in any degree, the allegiance of any person to the Crown of the United Kingdom, or the Sovereignty or Dominion of the said Crown over any part of the said territories."

On the Chapter of Punishment, they, among other things, remark:—"We have remarked that there are only three clauses (113, 114 and 290) in which banishment from the territories of the East India Company is authorised as the primary punishment of offences. In commenting upon clause 113 we reserved our opinion upon the propriety of the punishment of banishment for the offence of 'attempting to excite feelings of disaffection to the Government' therein defined, until we should have maturely considered the chapter of punishments. We have now to submit our opinion that it would be an unwarrantable severity to inflict the punishment of banishment for life upon a native of the territories of the East India Company constantly domiciled there from birth, for the offence in question. Probably the extreme penalty of banishment for life was not intended to be applied to persons of this description, but to

temporary inhabitants. It might perhaps be sometimes politically expedient to banish a temporary inhabitant, convicted of attempting to excite disaffection to Government, for life. But we do not think it consistent with the principles upon which the penal provisions of the Code have been constructed generally, to extend the punishment beyond the measure of the offence upon any such consideration. We think the punishment of banishment is a fit punishment for the offence, but we would recommend that the term be limited to five years, as the term of simple imprisonment, which may be inflicted in the alternative, is limited to three years."

In 1860 the whole of the Indian Legislative Council resolved itself into a Committee to consider the Indian Penal Code section by section. Sir Barnes Peacock, who was in charge of the Code, proposed the following amendment of Section 113, but the Select Committee did not consider it an improvement on the original draft of the Law Commissioners :—

"Whoever attempts to excite or to induce, or does anything which he knows to be likely to excite or to induce, the people or any class or portion of the people, who live under the Government of India, to entertain such feelings of disaffection to that Government or to any Government in India, as are likely to induce or cause them to resist or disobey the lawful authority of the Government of India, or of such other Government, or to abet such resistance or disobedience, or by reason of such disaffection to break the peace or to violate the law, or to abet any such breach of the peace or violation of the law, shall be punished, etc."

Hence the Sedition Section of the Indian Penal Code did not at first appear in it when it became Act XLV of 1860. Both Lord Canning and the Select

Committee appointed to consider the Penal Code in 1860, disapproved of the Section 113 altogether.

Lord Elgin, the successor of Lord Canning, did not interfere in the least with the connection the Government had then with the Indian Press. But in Lord Lawrence's time, the proposal of establishing a *Moniteur* to expound the views and actions of Government again cropped up vigorously in the following way. Sir Mortimer Durand, in the Life of his father, Sir Henry Marion Durand, thus writes:—

"One of the first matters that occupied his attention in 1866 was a proposal which had at this time received considerable support at headquarters for the establishment of a Government paper after the model of the French *Moniteur*. The conclusion of the Bhootan War, without an advance upon the capital, and the terms granted to our assailants, were unpopular; and Sir John Lawrence, always extremely sensitive to press criticism, had of late been subjected to some very unfair attacks on the part of the Indian newspapers. Under these circumstances it had occurred to him that the establishment of a *Moniteur* to expound the views and actions of Government would be desirable; and the idea had been taken up by the Commander-in-Chief, Sir William Mansfield, who wished to see either a single Government organ established at headquarters, or a number of minor *Moniteurs*, one at the seat of each local Government. To this proposal my father at once demurred, and his minute on the subject closed for a time the controversy in which at first he stood almost alone. After pointing out that a *Moniteur* would provoke opposition from the greater and more influential newspapers, and command no great confidence with the people of India, that the system would embitter and render

more unseemly the occasional conflicts between the supreme Government and the local administrations, and might be productive of grave embarrassment in England; that a *Moniteur* might go with a mistaken majority, and be afterwards discredited by Blue Books and party discussion; that the services would be exceedingly sensitive to every personal remark hazarded by such a paper, and would be constantly appealing to the law; that the High Court and its counsel would thus, in fact, come to review in public the executive proceedings of Government; that our Press generally went right and gave Government a liberal support; that when it went wrong this was generally under the guidance of an official clique, and that the *Moniteur* would be under such a clique, finally, it was a bad time to introduce such a system, when Government was supposed to be wincing under the diatribes of a hostile Press." My father summed up his argument as follows:—"Every thing considered, it is wiser to trust to the soundness of the measures of Government and to the honesty of its intentions, to secure a fair, though it may be an intermittent, support from the free Press, than under the frail shield of an Indian *Moniteur* to hold out a perpetual challenge and foster a permanent antagonism. Such an authoritative newspaper, if dull, proper and commonplace, would be the mark for ridicule and obloquy; if racy, bold and censorious, it would be fiercely assailed in every way; under either supposition the end would probably be a collapse more damaging to the position of Government than can result from the occasional hostility of the local press at present."

A long discussion followed upon the minute of Sir Henry Marion Durand, and in the end it was settled that there should be no Government organ. The

proposal, therefore, fell to the ground in 1866* In 1867 Act No. XI of 1835, Metcalfe's Act for the liberation of the Indian Press, was repealed by Act No. XXV of 1867—an Act for the Regulation of Printing-presses and Newspapers, for the Preservation of copies of books printed in British India, and for the Registration of such books. In Part II of this Act which provides for the Printing-presses and Newspapers, all the sections of Act No. XI of 1835 have been incorporated without any alteration. Act XXV of 1867 received the assent of the Governor-General in Council on the 22nd March 1867. This Act is still in force.

In 1868 the question of a Government organ cropped up again in the following way. Sir Bartle Frere, then a Member of the Council of the Secretary of State for India, asked Mr. W. W. Hunter (afterwards knighted) to submit a scheme for an Indian official paper like the French *Moniteur*, which he was to show to the Secretary of State and then send on to the

* The late Mr. Robert Knight, editor of the *Statesman*, thus told how the scheme fell through in 1866: "It was during the Viceroyalty of Sir John Lawrence that the Government of India, after a good deal of discussion, decided upon having an official organ. With this view, a 'Star Chamber' Committee was assembled to devise a plan by which the objects of the Government could be best attained; or to use more accurate terms, a number of gentlemen were 'invited to meet and discuss a certain project which would be laid before them.' The gentlemen composing this Committee, to the best of our recollection, were Mr. R. Temple, Mr. J. Strachey, the Hon'ble Ashley Eden, Mr. Healey, and one gentleman of the Press. That gentleman was, not, however, the youngest member of the Fourth Estate. He was the Nestor of Indian journalists—Mr. John O'Brien Saunders of the Calcutta *Englishman*. At the first meeting of the Committee, all went merrily as a marriage bell, indeed, so merrily that everything was thought to be satisfactorily arranged, and the 'Organ' *a fait accompli*. Things having progressed thus far at the second, or it may have been the third, meeting of the Committee, the gentleman of the Press, after producing a variety of statistics setting forth the cost of bringing out the proposed journal, politely enquired what 'subsidy' the Government proposed to contribute as a compensation to the proprietor for the loss of his independence. The question was listened to by the official gentlemen present with profound attention, but at the same time with blank astonishment. The answer to it, however, was clear and decisive: 'The Government of India has never, for one moment, contemplated the idea of giving any subsidy whatever!' Upon hearing this, the Nestor of Indian journalists rose from the chair, and with a bow, which has since become historical, gracefully retired from the 'Star Chamber' leaving the official members of the Committee gazing with wonder and amazement at the empty chair which he had just vacated."

Viceroy, Lord Lawrence. Most probably Sir Bartle Frere made this request to Mr. Hunter at the suggestion of the Viceroy. The fruit of this request was the following letter written by Hunter to Frere :—

To Sir Bartle Frere.

21st May 1868.

You have asked me to put on paper the information I collected last year regarding the organisation and working of Government journals in Europe. In England, where Government is conducted by parties, each has its own organ to announce its policy and defend its action. The only thing approaching a governmental mouth-piece here is *The Times*, and it partakes of that character only in as much as its editor is able to gather information from the principal actors on both sides of the House. It is this circumstance that gives much weight to the first leader in *The Times* during a political crisis. The rest of Europe is ruled by highly centralised bodies, and each has its representatives among the Press. Everywhere the responsible and visible unit of Government has, and must have, a means of interpreting itself to the people. In India, as on the Continent, that unit is the central governing body, but it is, at present, destitute of any machinery for explaining its policy, defending its action and correcting misconception. Moreover, even in India there exist the rudiments of that Government by parties which Englishmen carry with them wherever they go. Not only, therefore, is the Indian Administration unrepresented as a Government, but it is also unrepresented as a party in the State. The native interest has its organs, the Anglo-Indian interest has its organs, the Government has none. Indian rulers, in fact,

labour under two sets of disadvantages, those which the French Government would experience without a *Moniteur*, and those which an English Ministry would experience without the organs of the party to which it owes its devotion.

The Indian Government has endeavoured to remedy this defect by various devices. I shall afterwards have occasion to advert to the plan adopted during the years preceding the Mutiny; at present I will briefly enumerate the methods I have seen in operation since India passed directly under the Crown. Mr. James Wilson carried with him to the East a practical acquaintance with the literary requirements of an administration. It seemed to him that an official organ was a necessity of our position in India, and he gets the credit for having given for a time, some degree of efficiency to the two-half-measures by which the Government tries to make up for the absence of an acknowledged mouthpiece. One of these was the "Editor's Room" an apartment, in which state papers of general interest were laid out for perusal by gentlemen connected with the Press. The other was the publication of such documents still effected after a fashion, by means of the papers printed at the end of the *Gazette*. Both of these plans were inadequate from the first, and both became useless and worse than useless, when the strong will that had for a time, overcome the traditional reticence of the Secretariats ceased to be felt. Editors gave up going to a room where they found nothing but departmental reports and tabular statements of merely local importance. Judging from the samples which used to appear at the end of the *Calcutta Gazette*, one would suppose that the most interesting, if not the only State papers known to the Bengal Government were the

returns of chinchona cultivation. It is difficult to conceive how either of these methods could be made to work satisfactorily. The peculiar disadvantage attaching to them is that when Government, with the means of interpreting itself, says nothing, journalists conclude that it has nothing to say.

A third method has been to countenance, or at least, not to discourage the connection of Government servants with the Press. My own experience of this mode, and I have been engaged more or less permanently as a leader-writer upon several Indian publications, leads me to believe that, while pleasant and profitable to junior civilians, it is utterly useless as a means of interpreting policy. No Government could trust its motives to unrecognised and irresponsible writers, and very few seniors would deign to make use of such channels for reaching the public. While, therefore, the practice tends to introduce temperance in discussion and friendly relations between the public services and the Press, the articles are generally written in haste and with a half knowledge of the facts.

A fourth method is to permit Government servants to send letters to the daily papers. During the last few years this practice has obtained an alarming frequency, for the necessity of finding some authoritative means of expression, has been making itself more strongly felt. Secretaries and minor officials of every class have put themselves at the mercy of editors, for, however forcibly a newspaper correspondent may write, the editor has power to reply, and to reply not merely once, but again and again, after the impression created by the correspondent's arguments has passed off, by damaging sneers and indirect allusions, by changing the point at issue, and with all a leader writer's artillery of fresh premises

unverified statistics, unshifted evidence, quotations without references, a show of public spirit and the royal and editorial pronoun "We."

A fifth method remains. It consists in furnishing information such as telegrams, public news, and occasional State papers to the Press. The same causes which render the first two plans ineffectual, deprive this of any practical utility as a means of interpretation, and to these causes are added other sources of embarrassment peculiar to itself. In point of fact, it stimulates without satisfying a journalistic appetite of a very inconvenient kind. The more important periodicals in India have machinery of their own for obtaining State papers, machinery which tends to demoralise those who set it in motion and to make traitors of the poor tools by means of whom it is worked. It is not long since a whole Secretariat was threatened with dismissal in consequence of the publication of a document, which I have reason to believe, reached the editor through a channel quite different from the office on which the blow would have fallen, and the ease with which whole sets of papers, conspicuously those connected with the railway, could be obtained, is a standing joke with Calcutta journalists. I cannot make use of information communicated in confidence, but I can positively assert that as long as it pays the Indian Press surreptitiously to get possession of State papers, the Indian Press will obtain them. It is no exaggeration to aver that all the efforts of the Indian Government to explain itself have less effect upon the Indian public, whether native or English, than the petty larcenies of clerks and compositors, the misrepresentations that are pieced together from an Under-Secretary's waste-paper basket, and the sweepings of the Public Offices.

After describing the different methods adopted by

the Continental Governments in influencing the public Press, Hunter proceeded to apply the mass of information acquired by him to the problem in India. He urged that the Government of India should found a weekly official journal, furnishing literary matter and intelligence of the highest order—"its writing well considered, authoritative, somewhat reticent, but at the same time bright and attractive; its information fresh and trustworthy. The first requisite of an official organ is complete dependence on the Government. This can be secured by appointing one of the Secretaries as editor, if such a man can be found who possesses the necessary qualifications and will accept the work as his staple employment in life. The Indian authorities have had some experience of what happens when a journal possessing a quasi-official character breaks away. During the decade before the Mutiny of 1857, a certain periodical was supposed to occupy this position, and public rumour still speaks of its editor's interviews with high officials. But divergence of interests arose in course of time, and the temporary connection only served to widen the breach. The second requisite is that the character of such an organ should be plainly avowed. All Governments which do not stand on a popular basis, make use of mouth-pieces in the Press. That the Indian Government should do so is but an acknowledgment of the growing power of the fourth estate and of the non-official public. The third requisite is that its literary organisation should be of a first-class journal. Every requirement may be met without invoking any startling novelty, but by means of existing machinery offered by the official Gazettes."

The Secretary of State, Sir Stafford Northcote, got the above letter of Hunter from Sir Bartle Frere

in July 1868, and sent a copy to Sir John Lawrence, then Viceroy of India. In the meantime, Sir Henry Sumner Maine, then Legislative Member of the Viceroy's Council, proposed that the weekly *Friend of India* should be transferred to the Government and that its editor, Dr. George Smith, should continue as editor of the *Moniteur*. The following correspondence took place between Sir Henry S. Maine and Dr. Smith.

CALCUTTA, *16th March, 1868.*

MY DEAR MR. SMITH,—You will, no doubt, recollect the conversation which I had with you at Simla in the autumn of 1866 on the subject of possible future relations between the Government and the *Friend of India*. As you did not renew our conversation, I inferred that you did not think anything could be done in the direction indicated, and I should not now recur to the subject if new facts and circumstances were not presenting themselves.

I regard it now as all but certain that the Government of India will, before long, establish direct relations with the Indian Press. It is no longer a question of feeling; it is now one of power. We are beginning more and more to be conscious of the reflex action of Indian opinion, which is mainly formed by the newspapers, which penetrates to England in a variety of ways, which thus leavens or creates English opinion about India, and so becomes a real power with which we have to count. Even more serious is the direct influence of the European press in India on the now enormous Native press. Where the nat ve newspapers do not perceive that native interest points the other way (which they constantly fail to do), they merely echo European cries, which, in the vast majority of cases,

are liker calumnies on, or misrepresentations of, the policy of the Government.

It is unnecessary to describe to you the condition of the European Press in Bengal and Upper India one newspaper, two at most, being excepted. We always knew that it was careless, shallow and scandalous. We now know all but for certain that it is corrupt. It is not very uncharitable to speak of it as constantly subsidised by one or other of the numerous persons who are conspiring against the Indian Exchequer.

It would be very unjust not to make an express exception of the *Friend of India*. It is much abler than its contemporaries, and has a very much higher sense of its duty. But, to speak frankly, I do not think it cares to sacrifice or jeopardise its circulation by supporting the Government in a measure, which, for the moment, is decidedly unpopular; and it is only justice to its proprietory that it should be reluctant to do so. Yet, that the Government does require support, even in that contingency, is plain, and that it is entitled to have it, is an inference from the fact that opinion in India constantly veers right round to the Government side after a month or two of clamour, though not soon enough to undo or prevent the collateral mischief which is caused by the temporary discredit of the Government.

You know that I have always doubted the expediency of founding a wholly new organ of Government. Yet if a less extreme measure is not practicable, I believe that a new organ will be founded.

I must ask you, therefore, to reconsider the subject of our Simla conversation (*i.e.*, regarding the transfer of the *Friend of India* to the Government), and to mention it to any whom it may concern, of course in strict

confidence. You will, doubtless, be careful to recollect the assurances and explanations which I gave you at the time (for becoming editor of the Government *Moniteur*), and which made it clear to you, I think, that nothing was intended which implied disrespect on the part of the person making the proposal, or which would lead to dishonourable conduct on the part of the person to whom the proposal was made.

The English Government does not subsidise newspapers, because it is ordinarily the representative of a party which pays for their support by subscribing to them and taking them in. The Government of India, though constantly maintaining against attack, the interests of millions upon millions, has no such newspaper-buying party at its back; on the other hand, the party opposed to it is getting to consist less and less of mere grumblers, or of persons who honestly entertain non-governmental theories. It is coming more and more to consist of persons who seek to obtain pecuniary advantages at the cost of other classes, or of the public Treasury. Under such circumstances, it seems to me equally right and natural that the Government of India should seek to create a real and essential, and not merely apparent and nominal, analogy between itself and the English Government.

Perhaps you will acknowledge the safe receipt of this, even if you defer your reply till you return (to India).

Very sincerely yours,

H. S. MAINE.

The proposal of Sir Henry S. Maine was necessarily submitted by Dr Smith. to the joint-proprietor

of the *Friend of India*, Mr. Meredith Townsend, of the *Spectator*. The result was the following reply :—

SERAMPUR, *4th December, 1868.*

MY DEAR MR. MAINE,—You have asked my opinion on the subject of the propriety of the Government establishing a *Moniteur*, or of entering into such relations with an existing newspaper as would result in the same thing. The danger and uselessness to Government of *secretly* subsidising a newspaper are so evident as not to be worth discussion. Such a transaction would be dishonourable alike to Government and to the journal ; the fact could not be concealed in the long run ; the support of a paper pretending to be independent, but known to be paid, would not be worth having ; bitter opposition to Government would be created in the case of every other journal. Moreover, the experiment has been tried all over Europe and has failed everywhere. I will confine my remarks, therefore, to the question of an acknowledged official paper.

This question has cropped up several times, always to meet with the same fate after discussion. Mr Marshman tells me that he was consulted on the subject in Lord Auckland's time. It was that Governor-General's opinion, as well as that of Messrs. Mangles and Halliday, that the project was inadmissible. Lord Auckland remarked that it would be more prudent to give any journal disposed to deal fairly with the Government, the information which was necessary to keep it in the right path. With a knowledge of the history of the journal which I have edited now for ten years, and of journalism and the position of Government in India generally, I would adopt that opinion. In addition to such a relation, honourable to both, Government ought further to act

on a suggestion made, or reiterated, by yourself in the Bengal Blue-book—that whenever the Governor-General may see fit, questions on Executive subjects may be put in the Legislative Council. If this were done, and if a better use were made of the official Supplement to the *Gazette*, by publishing more official papers and occasional narratives of events and summaries of reasons for the policy of Government, every object at which a *Moniteur* is supposed to aim, would be secured without creating greater dangers to Government.

I use the word 'danger' advisedly. Whose policy is the *Moniteur* to express or defend? The Government of India, in its widest sense, consists of the Secretary of State in Council, the Governor-General in Council, and Lieutenant-Governors without Councils. Especially since the Mysore Grant, published Blue-books and the proceedings in the Legislatures show that each of these bodies is occasionally, or in some cases frequently, not only in collision with the others, but at variance within itself. It is not for the public good that there should be no such difference of opinion. As a rule, we in India believe that, in disputed questions, the Governor-General is right and the Secretary of State wrong, and it seems to me to be one of the highest duties of the Governor-General to resist up to a certain point that encroachment of the Secretary of State on his Excellency's function which Sir John Lawrence lately deprecated. The Governor-General does not always agree with his own Executive Council. Still less does the Government of India agree with Governments which behaved so scandalously as that of Bombay used to do during the mania*, and that of Madras did before Sir

* The Bombay Share Mania when many local financiers became stark lunatics over the huge profits in cotton caused by the American Civil War. The mania collapsed.

C. Trevelyan was recalled. So with the Lieutenant-Governors. Take Bengal in the tea question, where the whole local community thought it in the right. Take the Punjab in the land question. Take the North-West in the days of Sir G. Edmonstone and Lord Canning. If the Government of India is to have a *Moniteur*, it can hardly prevent the local Governments from establishing similar organs, or if it does, the officials will fight more effectually in the ordinary papers. The same remark is true of the relation of the Government of India to the Secretary of State, and of the Governor-General to the colleagues who may differ from His Excellency. It would be impossible to avoid scandals under a system the tendency of which is to create them, as well as to drag those which are inevitable, into the light of day for the public amusement or derision.

I need only hint at the effect of a *Moniteur* on the mass of officials. In a country and under a Government where so many questions are personal, or are bound up with the exercise of patronage, there must be frequent heart-burnings and many complications. Much better would it be to let the present state of things continue under which all these find vent in a natural way, and to encourage officials to write much more than they do in support of those measures of which they approve. It is my experience that the severest and the most valuable critics of Government are frequently its own servants or members.

What would be the influence on the natives, even in a modified form? Where would be our prestige? In a crisis like that of 'Fifty-seven, a *Moniteur* would not do half so effectually that which was done by the English Press. In ordinary times, the utterances of a *Moniteur*

Let, me repeat my solution of the question which you proposed to me—such a relation between Government and a Journal as Lord Auckland described, for the more delicate questions or for questions at a delicate stage; such a change in the law as will empower the Governor-General to permit questions to be put in the Legislature on Executive subjects—this Mr. Wilson did frequently, I may remark; and a very considerable improvement in the official supplement to the *Gazette*.

Yours very truly,

GEORGE SMITH.

Mr. W. W. Hunter's masterly plea for the creation of an official organ as well as Dr. Smith's masterly arguments against the same, were duly considered by Lord Lawrence and his Council, and Mr. Walter Scott Seton-Karr, still living at home in retirement, was sounded as to whether he would agree to fill the editorial chair of the Indian Government *Moniteur*. But Lord Lawrence's "masterly inactivity" led him to shelve the thorny subject.

S. C. SANIAL.

[*To be continued*]

Art. VI.—HISTORY AS CONCEIVED BY THE ANCIENT HINDU AND OTHER NATIONS.

By Yogesa Chandra Sastri-Samkhyaratna-Vedatirtha, M.A.S.B.,

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DIFFERENCE in nationality carries with it a difference in the modes of literary composition of all kinds. Accordingly the method of writing history also differs with different nations. Illiterate aboriginal tribes commemorate the important events in their tribal life by composing a few ballads on them in default of their capacity for doing anything better. As a matter of fact, it is this sort of poetry which forms the foundation of history, properly so called, of every country. The ballads serve to keep the memory of these events always fresh in the popular mind; and the ideals of statesmanship, heroism, sobriety, ingenuity and other virtues which a careful study of these events is calculated to present to the reader comes to be largely instrumental in educating men. These historical ballads grow maturer as a nation advances and the genius of the nation finds a vivid expression in them. The following illustration will make this statement clearer.

Almost all the Tatar or Turanian races have histories of their own. These works are mere records of isolated events in their chronological order. They do not appear to suggest even in the faintest manner that there can be any deeper connection between successive historical events than that of mere sequence. The truth is that the order of succession in time is but an apparent index of the relation of cause and effect.

The Tatars are not fitted with a particularly fine sense for the perception of causal relation nor do they possess the requisite imaginative faculty in the same degree as they are endowed with an imitative faculty and artistic efficiency. The historical works of the Chinese, the most advanced of the Turanian races, are written in the following lines :—" During the reign of Emperor so and so, on such and such a day, in such and such a month, of such and such a year, there occurred a rebellion in such and such a province, or a flood in such and such a river, or a solar or lunar eclipse." This kind of history is but a sort of calendar, it might go by the name of calendar-history in accordance with the famous saying of Lord Plunkett who remarked that " History is an old almanac." Even in those districts of India that were inhabited or overrun by the Tatars, for instance Assam, Nepal and Cashmere, they used to write histories of this nature. The Sanskrit work " Rajatarangini " which hails from Cashmere might be taken to have been compiled from some work of this description. Even in the historical works of Mahomedan authors that are written in Arabic the means of ascertaining the causal connection of events is nothing other than the mere circumstance that their places are assigned in chronological order. In fact, no trace of causal connection is discernible in such narrations of events. Mahomedan authors regarded it as improper to attribute events to any cause other than the direct will of one God manifested in all things. Such and such commander could not take such and such a town although he was so great a hero, while another less intelligent person endowed with a milder disposition easily succeeded in accomplishing the task ! And why ? If such a question ever occurred to an Arabian author he would solve it in a word and say

"It was the will of God."* The Arabs are essentially a religious nation unanimous in every affair and their historical works make this abundantly clear.

There is some similarity between the Jews and the Arabs. Both are descended from the Semitic stock. Both are earnest believers in One God. Both are devotedly attached to their respective faiths and both admit the immediate presence and direct interference of God in all worldly concerns. This characteristic was, in later times, borrowed by the Puritans in English history, who, as Macaulay has finely described, "not content with acknowledging, in general terms, an overruling Providence, habitually ascribed every event to the will of the Great Being, for whose power nothing was too vast, for whose inspection nothing was too minute." They differ in this that the Arab who has embraced Islam has learnt from it that there is heaven or hell after death, while the Jew knows no such thing. So, if a virtuous man meets with misery, worry and failure, the Arab is in a position to say that it is all due to the power of Satan and that after death, God willing, the welfare of this man will be secure. The Jew, however, has not this course open to him. If a Jewish author has to depict a virtuous man coming to grief and being oppressed by wicked men, he has to resort to a peculiar contrivance and say that the apparently virtuous man was vicious at heart.

A Jew is regarded as vicious if he happens to have little or no dread of or reverence for his tutelary deity, Jehovah. The Jew seldom makes mention of any other vice. With this trait as the trademark of virtue the

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*بقدر الله

* Bi qadari 'llah.

Jew has built up his history upon the single principle that "Where there is virtue there is victory." The history of the Jew is thus a mirror of his national character.

The adage "Where there is virtue there is victory" constitutes also the fundamental principle of the history of the Hindus, but the method in which it is worked out is different. In their perception of the causal connection of events Hindu authors are more skilful than other nations of the world. They realise fully that the circumstance of a certain event immediately preceding another is only a superficial index of a causal connection between them, and that a surer way of establishing such a relation between them is by showing that the one could have been brought about by the other and by no other event.* In fact they penetrate deeper into this connection, and having traced all causes to an ultimate one, come to be convinced of the omnipresent and eternal nature of providential power. Therefore, with them the doctrine "Where there is virtue there is victory" is a combination of two component parts. One of them is *Praktana* or an assemblage of those causes visible and invisible coming down from a previous state of existence, while the other is *Purushakara* or the employment of the accessories of physical and intellectual powers backed by virtue in the present life. These are otherwise named *previous pursuit* and present exertion respectively. So virtue with those features which the Hindus recognise cannot accrue otherwise than by a combination of these elements and without

* अन्यथासिद्धिशून्यस्य नियता पूर्ववर्त्तिता।
कारणत्वं भवेत्तस्य . . . . . ॥
भाषापरिच्छेदः ॥

virtue there can be no victory (*i.e.*, success in life).* It is in such a religious basis that Hindu history known as the Puranas has been built up. According to some recent Indian and foreign scholars the contents of the Puranas are only allegorical accounts of material objects or of the sun, moon, stars, planets and so forth or of spiritual conceptions—they are not real historical facts.† But the interpretation of these scholars is, I venture to think, not sound. Even the cause of the ascription of a distinct vitality and of the human ways to the objects and forces of nature is to be sought in nothing save and except historical facts. Real men and women, objects and events are established and rendered attractive by poets by means of figures of speech, such as similes, metaphors, hyperboles and so forth, and thus it is that poetic histories come into being.

Are we then to conclude that everything said by those who interpret the Puranas allegorically is unreasonable? By no means. The foundation is indeed in real facts, but in course of time men come to forget many details connected with them and poets ultimately commit them to writing after having coloured them with their personal ideas.

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* दैवे पुरुषकारेच कार्य्यसिद्धिर्भवेदिह।
तच्च दैवमभिव्यक्तं पौरुषं पौर्वदेहिकम्॥
पौर्वदेहिकं पौरुषं दैवं, अभिव्यक्तं वर्त्तमान चेष्टादिकं पुरुषकारः॥

रघुनन्दनः।

अपिच।—

जयोऽस्तु पाण्डुपुत्राणां येषां पक्षे जनार्दनः।
यतः कृष्ण स्ततो धर्म्मो यतो धर्म स्ततो जयः।

† Professor Max Muller, Mr. R. C. Dutt, C.S., C.I.E., and others.

Again the conceptions borrowed from natural phenomena are very powerful in a poet's mind, especially in the mind of a Hindu poet. It is for this reason that the associations of natural phenomena are invariably present in the poetic histories of Hindus. In this connection we should bear in mind the truth that all earthly objects and events are so constituted that all of them (in the aggregate) are present in each one of them (individually). So whichever event offers itself to the poet, the idea which is uppermost in his mind is likely to be mixed up with the facts in its treatment. It is a mistake to regard the Puranas as poetry based only on fiction. They are poetry no doubt, but historical poetry. We shall cite only a single illustration of this. It is related in the Puranas* that God during His incarnation

* Vide :—

वामन पुराणम् ३१,७५ अः ।

पद्मपुराणम् (उत्तरखण्डम्) ४८,४९ अः ।

श्रीमद्भागवतम् and अग्निपुराणम् ।

विष्णु र्नारायणः कृष्णो वैकुण्ठो विष्टरश्रवाः ।
पद्मनाभो मधुरिपु र्वासुदेव स्त्रिविक्रमः ॥
वनमाली वलिध्वंसी कंसारा ति रधोक्षजः ॥
करोपहारयोः पुंसि वलिः प्राण्यङ्गजे स्त्रियाम् ॥
विकलाङ्गस्त्वपोगण्डः खर्वो ह्रस्वश्च वामनः ॥

इत्यमरः ॥

वलिस्तु वलिनि काके दैत्यभेदे हलायुधे ॥

इतिहेमः ॥

"इदं विष्णुर्विचक्रमे" इत्यत्र विष्णुरादित्य इति-निरुक्ते

दुर्गाचार्य्यः ॥

Bibliotheca Indica.
Pr IV. P. 280—83.

as Vamana (a dwarf) sent the Asura king Bali down to the nether regions. If we went to *Sâdrâs*, a place near Madras, we might see that the palace of king Bali is now lying under the sea. *Vamana* is equivalent to *Trivikrama*, which again means the sun-god. *Bali* denotes "offering in a worship." This is a physical truth; God is as a dwarf before the offerings in His worship, or else the act of worship cannot be exalted. It is a spiritual truth. The allegory consists in the expression of these two truths. That the once flourishing Mahabalipuram is to-day in the nether regions, that is to say, at the bottom of the sea is, however, a historical fact *

Among the Hindus, the composition of poetic histories did not come to an end with the Buddhistic age; but they appear to have become somewhat looser in structure. The mode of composition, however, has all along been the same. The framework of the Ramayanam and the Mahabharatam does not differ from that of the Brihatkatha!

The belief in the three states of existence, namely, merit earned in a previous life, exertion in the living present and a life to come is equally prominent in all. It might be so that several of the Puranas and Upa-Puranas were written even under the Mahomedan rule. But in those times the range of Sanskrit composition had contracted a great deal and Hindi and other current dialects had gained in strength. Even the best poetic history in Hindi, the one written by Chand Kabi †, is entirely characterised by features peculiar to the Puranas. Since the date of this work no other work of any

* *N.B.*—A picture of the ruins of the Mahabalipuram can be seen in the rooms of the Asiatic Society of Bengal.

† Prithvee Raja Rasau.

considerable size possessing similar traits has been composed. The one or two works that have acquired currency in more provinces than one are poetic works dealing with topics of the ancient times, there being no stamp of history upon them. But in the Deccan even after the Mahomedan *régime* one or two poetic histories have been written.* During the British rule such works are no longer composed either in Sanskrit or in any other current language. The only works of this kind that are now written are either translations of English works or similar works cast in the English mould.

By history the Western nations understand that of the Greeks or of their imitators, the Romans. They do not also regard the work of the Jews as outside this category, since it has found a place among their holy works. In the work of the Jews there is no mention of dates. The Greeks and the Romans were remarkably patriotic. Love of country was their principal creed. It is by means of this thread that they have made all the wreathes of their national history. In this they had only one object in view, *viz*, to trumpet forth the stories of their land and their nation. We give here two illustrations of this. On the field of Marathon, says the Greek author, a Greek army numbering ten thousand defeated a Persian army more than one hundred thousand strong. Reading this in our boyish days, we were struck with awe at the greatness of the Greeks, and were even told that the cause of this was that the Greeks were capable of such a miraculous feat for the simple reason that they lived under a democratic form of Government. When,

* (*a*) Two Sivaji Charits. One by Kabibhushana, containing 1,000 slokas, and the other by Purushottama Pundita.

(*b*) Narapati Vijoya written in Tanjour. There are some others but not so important.

however, we had grown older, we endeavoured to see what account the Persians had given of this event in the history they had written. But no mention of Marathon or other wonderful battles of the kind could be found in it.* Again the Greek author describes the character of Lycurgus, the Spartan legislator. What a wonderful character! Is it possible for a mortal to be so good-natured, to have such a firm determination? We persuaded ourselves to believe that the Greeks must have been really godly in their nature. Subsequently we came to learn that the German historians have by their researches proved that there is no certainty about any person of the name of Lycurgus having ever lived in Sparta.† Thus it is a very difficult affair to ascertain the truth or the contrary with respect to the matters related in Greek and Roman histories. We are beset with doubts on all sides Nevertheless, we should bear one thing in mind, namely, that just as in the various works of Greek art the predominating feature is a human one, and ideas of nature occupy in them a place, so is the case with their history. Even unreal things are described in such a manner that they are made to appear like real truths. They lose their ultra-human character by being painted in their natural colours.

Modern historical works of the European nations are an outcome of the imitation of the Greeks and Romans. This is why mutual discrepancies among

* In the words of Edgar Sanderson, Esq, M.A., of Cambridge, "Greeks were unscrupulous and very fond of power...they were often cruel, and had little regard for truth when any end was to be served by its violation." For this reason, it was not impossible for them to give a false account of the battle of Marathon, &c.—*Author*.

† *Vide*: (*a*) Dunker (Max). Geschichte des Altertums Vol. V. p. 266 (Leipzig.) (b) Trieber (Conrad). For schungen zur Spartanischen Ver fassungs-geschichte. p. 44 (Berlin, 1871.) (c) Gilbert (G) Handbuch der griechischen Staatsalterstimmer. Vol. I. p. 15 (Leipzig, 1881) (d) Gilbert (G) Studien zur Altspartanischen geschichte. p. 88. (e) Gelzer. Neuer Rheinisches Museum. Vo. XXVIII. p. 1.

them are so few. Almost all the historical productions of Modern Europe are of the same type. And they are always cautious with regard to one another's statements. This accounts for the delineation of unreal matters being comparatively absent from them. But in spite of this the historical works of the Russians, the Germans, the English and other nations of Europe are not written exactly on the same lines. The inquisitiveness of the Germans, the ingenuity of the French and the practical instinct of the English are to some extent conspicuous in the respective works of these nations, just as the chronological accuracy of the Chinese, the godliness of the Arabs, the worldliness of the Jews, the reasoning aptitude of the Hindus, and the patriotism of the Greeks stand out as the distinguishing features of these nations.

In fact the poetry, history, and philosophy of all nations betray their peculiar national characteristics. It would be wrong to urge that because no other religion recognises the intrinsic distinction between the recipients of spiritual instructions and because no other society recognises the caste distinction, therefore Hindus have no religion, nor society. In like manner it would be unreasonable to assert that the Hindus have no history because their historical works are not written on the lines of those of the Europeans. Hence the statement that the lack of history argues the want of a national character cannot be applicable to the Hindus. They have a history entirely conformable to their national character, although there is no mention of dates.

By history, in fact, the ancient Hindus conceived treatises instructive of religion, politics, of the emancipation of the self and the statements of events of bygone times, the process of primary and secondary creation, of

the period of a Manu, and lastly of the description of several important dynasties and principal events relating to them.* The aforesaid criteria are adequately existing in the Ramayanam, Mahabharatam, and the Puranas, which may be called the Historical treatises of the Hindu Nation.

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* "सर्गश्च प्रति सर्गश्च वंशो मन्वन्तराणिच।
वंशयानुचरितञ्चैव पुराणं पञ्चलक्षणम् ॥
धर्म्मार्थकाममोक्षाणामुपदेशसमन्वितम्।
पूर्ववृत्तकथायुक्तमितिहासं प्रचक्षते" ॥

इति ब्रह्मवैवर्त्ते
श्रीकृष्ण जन्म खण्डे ॥

Art. VII.—LAW AS A STUDY AND A PROFESSION.

AT the annual Convocation of the Calcutta University, the Vice-Chancellor for the year, while handing his diploma to the graduate, charges him "to be in his life and conversation worthy of the title he holds." The frequency of countless repetitions has robbed these words of that freshness and force which they would otherwise have, and has reduced them to a soulless formula of University ritualism. They embody a principle, however, which should form the corner-stone which his subsequent life ought to be built up. His life-work should, in the first place, be commensurate with the education he has received and the hall-mark of it which he bears. The venerable myth of the choice of Hercules symbolises in more ways than one, the selection which a young man is called upon to make at this time of life. It is not merely a choice between the path of duty and that of pleasure, between Aormuzd and Ahriman, between God and Satan, between the accumulated forces of good and those of evil in the world. That election, one would think, is easily made. The difficulty there lies not in the choice but in acting up to it. A far greater difficulty confronts the young man when he is called upon to make a selection of a career for himself. At the threshold of the great university of the world, he is required to make a selection of the college in which he is to prosecute his further studies. In making this selection he will, of course, be chiefly influenced by considerations of wealth and worldly advantages. Wealth with its attendant retinue of the comforts and conveniences of life, with its concomitant array of pomp and splendour, is likely

to dazzle young eyes and captivate young minds. But he should always remember that a long purse and a big rentroll are not the *summum bonum* of human existence. The worth of a man depends on what he is and what he does and not on what he has. It is not given to every one to illuminate his own age and all subsequent ages by the corruscations of his genius; it is not given to everyone to write his name in letters of gold upon the annals of his country:

> "Th' applause of list'ning senates to command,
> The threats of pain and ruin to despise,
> To scatter plenty o'er a smiling land,
> And read their hist'ry in a nation's eyes."

is not given to all. But it is open to all to make the world they live in, better, happier and wiser than they found it, to howsoever small an extent it may be. There is a paramount obligation on young men, therefore, in making the selection of the sphere of their future usefulness, to take into account along with considerations of worldly advantages, what particular business affords the greatest opportunities of adding to the stock of human happiness, or of contributing to the progress of the totality of mankind. But the circumstances which will most weigh with him in arriving at his decision, will be the greater or less chance of success which a particular walk of life promises to its followers. When, as now, the struggle for existence is so hard, when "every gate is thronged with suitors, all the markets overflow," the fact which will outweigh all others in determining his choice will be the degree of competition that he will have to meet with and the greater or less prospect of success that he may expect in any given branch of industry. It often strikes one as singular that since the foundation of the Calcutta University, very few, if any,

of its *alumni* have entered the fields of productive labour. They have, as a rule, held back from this walk of life as forbidden ground, and very few, if any, of the graduates are merchants or manufacturers. The occupation of a gentleman farmer is unknown in India. It is greatly to be regretted that the intelligence and culture of the country should not be devoted to the development of its resources, that there should be a perpetual divorce between its best thought and that department of human activity which is most conducive to the material well-being of man. One might be the most successful lawyer, the ablest physician, or the cleverest publicist, but he would not add one pound of grain or money to the capital of the country. The general impression which is responsible for this wholesale eschewing by our university men of productive labour is that high education either positively disqualifies its recipients for this kind of industry or at least is no fitting preparation for it. Some such idea seems to be at the root of the bifurcation of studies lately prescribed for the upper classes of our schools. But this impression seems to us to be erroneous. A man with a grounding of university education would be better fitted for any work, whatever its nature, than one without it. The objective utility of a literary or scientific education may not be apparent in many cases, but its subjective usefulness is almost self-evident. The candidates for service, Government and private, in all its various branches, have long outstripped its requirements, at a rate out of all proportion to them. General Literature and the Periodical Press present in many civilised countries a hopeful sphere of usefulness to not a few of the rising generation: but India has arrived at that critical epoch in the course of its history, when, as in England in the days of Johnson,

private encouragement has ceased, but public patronage of letters has not yet commenced. The learned professions have been so crammed with men that they no longer offer any prospect of an honourable livelihood for the needy crowd swarming into them. Even from the point of view of narrow selfishness, our educated youths should betake themselves to fields of productive labours, where intelligent competition is the least and success the most assured—where in benefiting themselves they would confer the greatest amount of benefit on their country.

As a matter of fact, the profession that attracts and has always attracted the greatest number of followers from among our graduates is Law The want of a suitable career for a young man in the independent practice of his profession of Medicine or Engineering outside the limits of the metropolitan area, the comparative paucity of appointments in these departments of Government service and consequently the greater restrictions with which the entry into them has been wisely hedged in, the absence of the higher class of educational institutions in those subjects beyond a few of the provincial capitals, the fascination of the glamour of the unprecedented success of a few in the legal line, the entrance it affords to one of the most honorable services under Government open to the Indians, the traditional importance which attaches to it in England and with which our Western culture has also invested it in this country, the fact that the work required in it is always sufficiently intellectual not to seem distasteful drudgery, and the initial bent of the Indian mind for speculative, literary as opposed to practical pursuits, which require the use of the eye and the hand to promote the comforts and minimise the evils of this life, have combined to produce the partiality for

it betrayed by our young men. Those who have had any occasion to visit the Bar Libraries attached to our courts must have been struck by the wanton waste of juvenile energy that daily takes place in those veritable Castles of Indolence. The forensic literature of England, is indebted in numerous instances to the labours of briefless juniors for those splendid monuments of industry which embalm the accumulated wisdom of generations of judges. But no signs of such an activity to any appreciable extent are observable in the youthful members of our Bar.

Law and Mammon are the fetishes of Western civilisation, and in England the former has been, from time immemorial, an object of unquestioning faith to the vast majority of its people. The traditional reverence with which its practice has been environed in that country, is one of the instances of idol-worship, not unfrequent even among enlightened nations. The classification of Bacon would place this popular craze among one of his *idolas*. The homage that the popular mind always pays to received opinions without an inquiry into or examination of their truth or correctness, and the prejudice in their favour which gathers round them in course of time, find no more fitting illustration than in the conventional superiority attributed to this profession, over the cultivation of those Arts and Sciences which have done so much to promote the welfare and happiness of man and to bring about their moral, material and intellectual regeneration. The man of whom his contemporary poet wrote :—

> "Superior beings, when of late they saw
> "A mortal man unfold all Nature's Law
> "Admired such wisdom in an earthly shape
> "And shew'd a Newton as we show an ape."

was deemed sufficiently honoured with a baronetcy while a long line of judges, both before and after him, were raised to the peerage as Lord Chancellors, who in very elaborate and admirable decisions determined the title to property, which unfortunately for the successful litigant was in many cases, swallowed up by the costs for procuring those judgments. Jenner had his solatium in two ministerial grants, the bulk of which he had already expended in carrying on his investigations; while the best paid law-offices of the Crown were the rewards of generations of successful lawyers, who, with the wonderful ingenuity and remarkable eloquence of Sergeant Buzfuz, could astonish a bewildered world by drawing out hidden meanings from such abstruse expressions as "*tomata sauce*" and "*warming pans*," by a process as subtle and intricate as that of extracting sunbeams out of cucumber. George Stevenson died unhonored and unsung; but turn to the bitter invective of Junius and the no less acrimonious attacks of other contemporary writers, and Lord Chancellor Mansfield, the petted and patted lawyer of the Georges, appear in no better light than that of a political turncoat, a courtly lawyer and a servile judge. James Watt and Hargreaves, Mill and Bentham, Tyndal and Huxley, Spencer and Darwin, have gone to their graves without any special recognition from their Government of their extraordinary talents or their inestimable services to humanity. It is only the enlightened reason of very recent times that has begun to break off from its old traditions, and Lord Kelvin and Lord Tennyson are among the few instances of this new departure. In England this pre-eminent superiority of Law to other professions will appear from a single incident which took place in

lawyers, we shall support our position by some concrete instances, trying to make them comprehensible to the average reader. In the infancy of society, when men had not yet completely shaken off the habits of gregarious animals, they began to separate from their parents when maternal care was no longer necessary for their preservation or support. This was a natural corollary of a state of society in which were still found, lingering here and there, traces of promiscuity—a principle subversive of aggregation in families. In that remote past therefore, it was the individual and not the family which formed the unit of society. This theory receives a strong corroboration from some of the hymns of the Rigveda which speak of the son as leaving his paternal roof on taking a wife. With the advance of civilisation this condition of things did not long continue. In those early times, when the principle of division of labour was neither well understood nor followed beyond the limits of the domestic circle, men soon began to perceive the advantages of joint action and of a corporate existence, and the family came to be substituted for the individual as the atom in the composition of the social system. The Mitakhsara is supposed to have laid down the law for a society which regarded the families as the molecules of which it was built. Modern enlightenment, solicitous to furnish the highest incentive to individual industry and self-reliance and to stamp out the habits of slothful dependence, again began to treat single persons in preference to groups, as the constituents of society, the agents of civilised intercourse and the centres of jural relations. Whether the course of evolution will lead us to another important turn of the wheel and merge the individual back again into the corporate existence not of the family but of society itself, is a

problem for the socialism of the future to solve. What we are concerned with at present is that if Hindu Law had been left to work out its own development without foreign interference, probably the same reform which was introduced in Bengal by the genius of *Jimutabahana*, who brought the law in that province abreast of the circumstances and the sentiments of the age in which he lived and freed the individual from the collective existence of the family, would have been by this time, or in the near future, universal in other parts of India.

When by the dispensation of an All-wise Providence the subsequent growth of Hindu Law was entrusted to its English administrators, one would have thought that they would follow in the wake of the Bengali Reformer and lead the further progress of Hindu Jurisprudence on the lines indicated by him, especially when these were in consonance with the ideas and institutions of European countries. Adopting, however, as the guiding principles of their decision, in cases of alienations of joint ancestral property by the father, the two legal maxims of the Mitakshara that the son acquires a right in ancestral property from the moment of his birth, and that it is his pious duty to pay his father's debts if not incurred for an immoral purpose, they have rung so many changes on them, that amidst the variety of discordant notes that had been thus raised all sense of harmony is irretrievably lost. Starting from their judgment in Girdharee Lal *vs.* Kantoo Lal (22 W. R., p. 56) and Muddon Thakur *vs.* Kantoo Lal (22 W. R., p. 56) they have completed the circle and come to the same point again in Bhagwat Sahai *vs.* Girja Koer (I. L. R., 15 Cal., p. 71) after an erratic course of wanderings, more eccentric than those of the comets themselves. In the sea-saw of the

intermediate judicial decisions, both of the Privy Council and of the Courts in India, the lawyer looks in vain for any single principle which has been enunciated in one and followed in the next. For their judgment in the case of Nanomi Babuasin *vs.* Muddon Mohan reported at p. 21, I. L. R., 13 Cal., their Lordship of the Privy Council themselves admit :—

"It is impossible to say that the decisions on this subject are on all points in harmony, either in India or here."

And the diversities in the manifestation of judicial wisdom on this subject, have been characterised in the euphemistic language of Justice Pontifex "as the fluctuating developments of Mitakshara Law." But it may be said by the apologists of case-law that these alternating variations are due to the primitive rudeness of the early institutions, domestic and social, of the Hindus. In making our next selection, therefore, we shall take an example of Judge-made law, based upon a very simple provision of one of the enactments of the Bengal legislature. To ensure the registration of the names of zemindars in the Collector's Register, section 78 of Act VII. of 1876 (B C.) enacts that

"No person shall be bound to pay rent to any person claiming such rent as proprietor or manager of an estate or revenue-free property in respect of which he is required by this Act to cause his name to be registered, or as mortgagee, unless the name of such claimant shall have been registered under this Act."

"And no person being liable to pay rent to two or more such proprietors, managers or mortgagees holding in common tenancy, shall be bound to pay to any one such proprietor, manager or mortgagee, more than the amount which bears the same proportion

to the whole of such rent, as the extent of the interest in respect of which such proprietor, manager or mortgagee is registered bears to the entire estate or revenue-free property."

This section resolves itself into two parts :—

(1.) That no tenant is bound to pay rent to a person whose name is not registered ; and

(2.) That no person is entitled to recover a greater proportion of the rent than that corresponding to his registered share.

These simple provisions one would have thought, would hardly present any difficulty or afford much room for difference of opinion. But a corollary from the first of these propositions which often comes, for solution before our Courts, *viz.*, whether a person was entitled to sue for rent without having his name registered before the suit was brought, has presented such a curious spectacle of conflict of authority that one is reminded of the familiar lines

> "'Tis with our judgments as our watches ; none
> Go just alike, yet each believes his own."

Beginning with cases reported in I. L. R., 16 Cal., pp. 706 and 708, it finds its culmination in the discordant judgments of the Full Bench reported in I. L. R , 23 Cal., p. 87, where the divergence has grown so pointed that one learned judge goes to the length of indulging in the judicial amenity of stigmatising a case decided by two brother judges as "wrongly decided." Though the question has been practically settled by the judgment of the majority of the judges of the Full Bench, so far as the High Court is concerned, the arena of the forensic controversy seems to have been transferred to subordinate courts, where its continuance even after that decision is evidenced by the cases reported in I. L. R.,

26 Cal., p. 712; I. L. R., 27 Cal., p. 178; 1. C. W. N., p. 712. Another rider which follows from the same proposition arises in a case where part of the rent sued for accrued during the life of the last deceased registered proprietor and part of it fell due during the time of the unregistered successor. In this case some judges have held that no suit brought by the unregistered successor would lie for such arrears,* while others have been of a diametrically opposite opinion.†

As to the second question, the peculiar facts of the cases reported in 8 C. W. N., pp. 193 and 196, may be taken as a justification on grounds of equity for the decision arrived at in them But that it is at variance with the express words of the section and the plain meaning thereof cannot for a moment be doubted or denied. It remains to be seen, however, how far subsequent rulings will adopt and affirm this view. It is also a point for consideration, it may be observed in passing, whether it is desirable to seek the help of a forced and unnatural construction to provide for circumstances which were not within the contemplation of the legislature when the law was passed: or to boldly recognise the omission and to supply it by an addition to or amendment of the existing statute. The inactive life of slothful self-indulgence led by the Bengal zemindars and the dishonest cupidity of the ryot attempting to avail himself of every loophole to escape the payment of his just dues, may, like the primitive Hindu institutions in the case of the Mitakshara Law, and with no better reasons, be held answerable for this conflict of judicial opinions, in the matter of the registration of names.

But what would the defenders of judge-made law

* I. L. R., 16 Cal., p. 708.

† I. L. R., 23 Cal., p. 87.

say to the differences in judicial conclusions, under the same or very similar circumstances, from the same law of mortgage which is based upon and is substantially identical with the English law on the subject. Here, at any rate, Indian character or institutions cannot be made the scapegoat for forensic singularities and individual bias. To substantiate our position we need not enter into a detailed examination of rulings, for it is enough to quote the observations, from the preface to the third edition of the Lectures on the Law of Mortgage of Dr. Rash Behary Ghose, one of the greatest authorities in India on this subject, whose treatise furnished to Mr. Whitley Stokes as the ground-work of his draft of the Fourth Chapter of his Transfer of Property Act:—

"I speak within compass when I say that there is scarcely a single section in the Chapter on Mortgages in the Transfer of Property Act on which conflicting rulings cannot be found, many of which, doomed to a not very distant oblivion, the lawyer would willingly let die for the propensity to variation is hardly the principle of progress in the administration of justice." What pleasure or profit the human mind is to derive from a pursuit of such legal puzzles and conundrums as presented by the judge-made law, we leave those who are in the habit of thinking for themselves to determine.

With regard to statutory enactment also it cannot be affirmed that they have always been the fruits of wisdom. The Conventicle Act, the Five Miles Act of the reign of Charles II., and the Stamp Act and Townsend Act of that of George III. and some of the Indian Factory Acts, and recent legislative measures, are cases in point. Taking all these into account it is well worth consideration whether such a subject should form the lifelong study and pursuit of an intelligent

and cultured mind. But those who have already cast the die should bear in mind that the profession of law means a lifelong studentship and that considerable patience is required to carry one through its earliest struggles. A distinguished Lord Chancellor was asked by a friend his opinion as to the advisability of sending that gentleman's son to the legal profession. "If your son," said the noble lord, "can eat sawdust without butter, send him to this profession." The lesson which should be imprinted on the heart of the young aspirant after the laurels of *Themis*, has been summarised in the epigrammatic sentence of another legal luminary: "you must live like a hermit and work like a horse."

It may be urged that a diffusion of legal knowledge is desirable to guard against the encroachments of authority on the legal rights of the people, and that a vigilant bar and a watchful public are the jealous guardians of such rights. This may be true in a country with a free Government; but it has no application to one circumstanced as India, where law is simply the expression of the will of an autocrat or a body of autocrats, and where the law may be changed any moment to bring it into conformity with such will, whenever an invasion of the popular rights is pointed out. The Validating Act passed to legalise an illegality in connection with the University Act is a recent example of the kind. Doubts were widely felt as to the correctness of the construction sought to be placed upon section 124A, or the sedition section of the Penal Code in the *Bangabasi* case and in that which resulted in the conviction of Mr. Bal Gangadhur Tilak. To leave no room for such doubts in future, the section was amended to bring it into harmony with the interpretation put upon it by the late Mr. Justice Strachey in the latter

case, and to narrow the scope of the defence in future trials for sedition. Thus even that perfect piece of legislation—The Indian Penal Code—drafted by Lord Macaulay, and having the imprimateur of the Indian Law Commissioners, though comparatively free from the tinkerings of subsequent legislators, did not escape the coercive amendment adverted to above. It may be pointed out, however, that though Section 124-A. was introduced into the Indian Penal Code for the first time by Sir James Stephen in 1870, it was but the reproduction of a similar section drafted by Macaulay which, however, did not find a place in the Code, as it was originally passed.

The Land Acquisition Act (I of 1894) invests with legal forms the forcible appropriation of private property and sanctifies it with the sanction of law. A government officer fixes the price of the land to be acquired; an appeal from his award lies by way of reference to another officer who holds his office at the pleasure of the same government and depends on it for his promotion and prospects. This poor consolation moreover, is denied to many as the right of appeal is surrounded with the terror of the risk of payment of costs to government, even in the event of partial success. How different the law was before it was changed, to make more easy and effective the assertion of an arbitrary will! Under the old Act (X of 1870) the Judge who heard the case on reference from the award of the Collector used to be assisted by two assessors—one of them being nominated by the Crown and the other by the proprietor. The costs of the private party had to be paid by Government if the amount awarded by the Collector was increased by so much as a pice. But it is needless to multiply instances.

Alterations in the enactments of the legislature have generally been made with a view to strengthen the hands of Government or its officers as against the privileges of the subject. The course of legislation in this country has been one of retrogression so far as popular rights are concerned. If any further proof was needed, we have only to refer to the Criminal Procedure Code to bear us out in these observations. The power of reference from the verdict of a Jury in case of its disagreement with the opinion of the Judge, the right of appeal from a Judgment of acquittal, are some of the peculiarities of the present law unknown to the criminal Jurisprudence of England and to the Indian Code of 1861. We purposely abstain from a reference to the coercive enactments of these days as they might be excluded from the category of sober-minded legislation on the ground of being the outcome of a period of unprecedented unrest and excitement.

As to the subjective utility of this field of activity, so far as it affects the individual, the acuteness of intellect, the quickness of mental vision, the faculty of ratiocination, the gift of suggestion, the power of memory, the habit of readiness, may justly be claimed to be developed and improved in it: but we look to it in vain for imparting that breadth of imagination which could see in the falling apple the motions of the planetary system or in the commonplace circumstances of to-day the grand possibilities of the future. And though it must be conceded that it gives one an insight into the peculiarities of human character it unfortunately familiarises him with the darkest side of it. The worst passions and propensities of man find an outlet in our Courts and the constant contact with these make us lose our instinctive loathing for them.

As to the moral aspects of the profession generally ethical science would be a sublime illusion if one can retain his high regard for truth and at the same time daily become the channel, as observed by Counsellor Pleydell, of conveying the double-distilled lies of his clients and their attorneys (or mukhtears) to the bench. This growing indifference to veracity is practically evinced by the anxiety betrayed by the advocate in the course of cross-examination for getting the answer most favourable to his cause, and cross-examination which is the most effective instrument for eliciting the truth, is often perverted from its legitimate purpose to become in the hands of the skilful counsel the means of supporting a particular view. But these are evils incident to the profession itself. There are others however of more gigantic proportions, which the competition of an over-crowded Bar tends to bring into vogue. The abnormal increase of legal practitioners in this country is certain to lead to the demoralisation of the profession and symtoms have already begun to be manifest of its moral degeneration. Unchecked for any length of time this plethoric growth threatens to be an evil of no mean magnitude. It behoves the Government and the University to step in to prevent its further development, before it assumes serious proportions. The numerical strength of the annual influx of the B. L.'s does not require the reinforcement of the less ambitious aspirants for the honours of Themis. And the backdoor of the Pleadership Examination may, with advantage to the lawyers and to the layity alike, be closed to undergraduates who would not be the worse for a few more years of general education.

Art. VIII.—UNIVERSITY OF CALCUTTA.

JUBILEE CONVOCATION.

THE Jubilee Convocation of the University of Calcutta for conferring degrees was held in the Senate House, College Square, on 14th March. The hall was decorated with flags and foliage and the attendance was up to that of previous years. Of the fourteen recipients of Honorary Degrees, two were unavoidably absent, namely, Sir Subbaiyar Subramaniya Aiyar and Shams-ul-Ulama Syed Ali Bilgrami. As regards the graduates themselves no less than 860 came up to receive their various degrees. These comprised 97 M.A's, 427 B.A's, 9 B.Sc's, 244 B.L.'s, 1 M.D., 4 M.B's, 62 second L.M.S's, 11 B.E's, one Premchand Roychand student, two Sir J. M. Tagore medallists and two Ph.D's. There were three "girl graduates" —two from the Bethune College and one private student.

Shortly after 3 o'clock, a fanfare of trumpets announced the arrival of Lord Minto, Chancellor of the University. His Excellency was received with the usual honours and after he was robed a procession formed and entered the hall in the following order:—The Registrar, members of the Syndicate arranged two and two in order of Seniority; His Excellency the Chancellor, His Honour the Rector and the Hon'ble the Vice-Chancellor, ex-officio Fellows, arranged two and two in order of Seniority, Honorary Fellows arranged two and two in order of Seniority, Ordinary Fellows arranged two and two in order of Seniority. The Hon'ble Sir A. H. L. Fraser, Lieutenant-Governor of Bengal and Rector of the University, and the Hon'ble Sir Francis William Maclean, Kt., Chief Justice of Bengal, ex Vice-Chancellor, occupied seats on the daïs to the right of the Chancellor and to the left of the Vice-Chancellor, respectively. The ex-officio Fellows, Sir Gooro Dass Bannerjee, Kt., ex Vice-Chancellor, the Hon'ble Babu Debaprasad Sarbadhikari, Representative of the University on the Legislative Council of His Honour the Lieutenant-Governor of Bengal, and the Deans of the Faculties occupied seats on the daïs, hwile a seat was also reserved on the daïs for the Hon'ble

Maharaja Sir Rameswar Singh Bahadur of Darbhanga, one of the Benefactors of the University. Members of the Syndicate and recipients of Honorary Degrees had the front seats on the platforms to the right and left of the daïs, while Honorary Fellows and the remaining members of the Senate occupied seats on the platforms to the right and left of the daïs in order of seniority.

The Vice-Chancellor then declared the Convocation opened.

Congratulatory addresses were next read by delegates representing the Universities of Madras, the Punjab and Allahabad, the address of the last named University being in Sanskrit. The Vice-Chancellor on behalf of the Senate thanked the delegates for the kindly messages of congratulation.

The Vice-Chancellor then presented the Hon'ble Sir Andrew Henderson Leith Fraser, Rector of the University and Lieutenant-Governor of Bengal, to His Excellency the Chancellor for the purpose of receiving the Honorary Degree of Doctor of Literature in the following form :—"May it please Your Excellency—I present to you Sir Andrew Henderson Leith Fraser, K.C.S.I., M.A., LL.D., who has been duly recommended by the Syndicate and the Senate of this University as a fit and proper person by reason of his eminent position and attainments to receive the Honorary Degree of Doctor of Literature, to which I pray that he may be admitted." His Excellency the Chancellor in delivering the diploma of the Honorary Degree of Doctor of Literature to Sir Andrew Henderson Leith Fraser said :—"By virtue of the authority vested in me as Chancellor of this University, I admit you Andrew Henderson Leith Fraser, to the Honorary Degree of Doctor of Literature." Sir Andrew Fraser then signed the Register of Honorary Degrees conferred by the University and resumed his seat.

The Rector of the University next presented to His Excellency the Chancellor the Hon'ble Mr. Justice Asutosh Mookerjee, Saraswati, for the purpose of receiving the Honorary Degree of Doctor of Science in the following form :—"May it please Your Excellency—I present to you the Hon'ble Mr. Justice Asutosh Mookerjee, Saraswati, M.A., D.L., F.R.A.S., F.R.S.E., who has been duly recommended by the Syndicate and the Senate of this University as a fit and proper person by reason

of his eminent position and attainments for the Honorary Degree of Doctor of Science, to which I pray that he may be admitted." His Excellency the Chancellor in delivering to the Hon'ble Dr. Asutosh Mookerjee the diploma of the Honorary Degree of Doctor of Science, said :—" By virtue of the authority vested in me as Chancellor of this University, I admit you, Asutosh Mookerjee, to the Honorary Degree of Doctor of Science." Dr. Asutosh Mookerjee then signed the Register of Honorary Degrees conferred by the University and resumed his seat.

The Vice-Chancellor then presented to His Excellency the Chancellor in the usual form, each of the undermentioned gentlemen for the purpose of receiving the Honorary Degree mentioned against his name:—Professor Arthur Schuster, Honorary Doctor of Science ; Dr. Ramkrishna Gopal Bhandarkar, Honorary Doctor of Philosophy ; the Hon'ble Mr. Justice Pratulchandra Chatterjee, Honorary Doctor of Law ; Sir Gooroo Dass Banerjee, Honorary Doctor of Philosophy ; the Rev. Father E. Lafont, Honorary Doctor of Science ; Sir Herbert Hope Risley, Honorary Doctor of Philosophy ; Surgeon-General G. Bomford, Honorary Doctor of Medicine ; Mr. Thomas Henry Holland, Honorary Doctor of Science ; Dr. Praphullachandra Ray, Honorary Doctor of Philosophy ; and Dr. G. Thibaut, Honorary Doctor of Science.

The Vice-Chancellor next granted the ordinary Degrees.

THE VICEROY'S ADDRESS.

His Excellency the Chancellor then addressed the Convocation. He said :—

Mr. Vice-Chancellor and Members of this Convocation,—

This is the third Convocation over which I have had the honour to preside since I succeeded to the office of Chancellor. But to-day's assemblage is exceptional in that this year the University has attained to its 50th anniversary, and I must congratulate you, Mr. Vice-Chancellor, and the University authorities and graduates on their first Jubilee.

It is a memorable day in the history of the University. I only wish that your Chancellor could have discovered a few leisure hours to better qualify himself to address the Convocation on this auspicious occasion, for the past 50 years have been

very full of incident—full of material for study of the growth and the results of education, and for careful consideration of its future problems.

It is curious to look back, from our present educational standpoint, to the early days of the East India Company. For many years after they had taken over the administration of the territories they had acquired, no attempt was made to inaugurate any regular system of education. Their policy was to leave the scattered and widely different indigenous systems such as they were to themselves, undisturbed and unsupported by grants from Government, and together with this disregard for the teaching of the people over whom they had commenced to rule there would appear to have been a marked decline, amongst the Indian population itself, in the cultivation of literature and science.

My ancestor, Lord Minto, refers to this decline in a very interesting educational Minute of March 6th, 1811; he says:—"It is a common remark that science and literature are in a progressive state of decay among the natives of India.....The number of the learned is not only diminished, but the circle of learning, even amongst those who still devote themselves to it, appears to be considerably contracted.....The immediate consequence of this state of things is the disuse, and even actual loss, of many valuable books, and it is to be apprehended that, unless Government interposes with a fostering hand, the revival of letters may become hopeless, from a want of books or of persons capable of explaining them. The principal cause of the present neglected state of literature in India is to be traced to the want of that encouragement, which was formerly afforded to it by Princes, Chieftains and oppulent individuals under the Native Governments" and he goes on to tell how a liberal patronage "was formerly bestowed, not only by Princes and others in power and authority, but also by the zemindars, on persons who had distinguished themselves by the successful cultivation of letters".....

But, Mr. Vice-Chancellor, we have with us to-day a distinguished Indian gentleman, who has nobly followed the example of the great men of 100 years ago. The munificent gift of the Maharaja of Darbhanga to the University Library will

earn for him the lasting gratitude of the Indian literary world and I feel sure that I shall meet with warm approval in exercising my power as Chancellor and nominating him an Honorary Fellow for life as an eminent benefactor of the University.

But to return to early days. Perhaps it was only natural that during the hard-fought wars of the Company there should have been little time to spare for the care of the arts and sciences, whilst the great Eastern potentates who had done so much to patronise them were themselves struggling for existence. However, that may be, it was for Warren Hastings first to recognise the responsibility of the Government, and in 1782 he founded the Calcutta Madrassa for Mahomedans. Nine years later came the Hindu College at Benares and it was not till the Charter Act of 1813—one of the results of Lord Minto's Minute which I have quoted—that powers were granted to provide systematically from public funds for the futherance of education, and such annual grants were at first confined to the encouragement of Oriental methods of instruction, till in 1835 Lord Macaulay wrote that historical minute which went far to introduce Western education into India. Then followed a period of somewhat ill-defined attempts to extend English education in which self-denying missionary effort played its full part till we reach the next important landmark, the despatch of 1854, from the Court of Directors, which prescribed, among other measures necessary for a more extended and systematic promotion of general education in India, the foundation of Universities at the three Presidency towns. The Calcutta University was incorporated in 1857 and commenced operations with about 50 schools for the Entrance Examination and 13 affiliated institutions for the B.A. Examination. It was modelled on the University of London. Except that, inasmuch as that institution was then a purely examining body, the Calcutta University has always included a far greater sphere of influence in the control of the colleges and schools affiliated to it, and Lord Canning in the midst of the tremendous responsibilities which everywhere surrounded him became its first Chancellor. Fifty years have passed by since then, and to-day an Indian gentleman, a distinguished scholar and jurist, brings to bear on

the conduct of its affairs a patriotic zeal for the promotion of higher education among his fellow-countrymen which is only equalled by his experience and administrative ability. I congratulate the University on its possession of Dr. Mookerjee as its Vice-Chancellor—a worthy successor of other eminent Judges of the High Court, who have before him filled the Vice-Chancellor's chair. But I would impress upon you that he has assumed the reins of office at a turning point in the history of the University, for with its Jubilee the University enters not only on a new chronological era, but on a new *régime* under new administrative conditions, the Incorporation Act of 1857 having, as you know, been amended by the University Act of 1904. There may have been doubts as to the character of the new *régime* and the suitability of the new conditions to the wants of the country and of the educated community, but I know of no pilot more capable of steering the ship of learning through educational shoals and quicksands than Dr. Mookerjee, and I have no need to prophesy as to the future. Yet of this we may rest assured, we have embarked upon what has been very aptly called "The New Ideal" in University education in India—possibilities are in the air which have not yet been moulded into shape—early conceptions of the aims of University education are giving way to the hopes of educational influence over social life—a thirst for practical knowledge, and for the wholesome enjoyment of the advantages offered by residential colleges, is beginning to dim the momentary glories of successful exminations. I believe that on the proper development of affiliated residential institutions the power of this University to confer lasting benefits upon the people of India will largely depend. How that development can be furthered is one of the problems with which we have to deal, but in one direction it would appear to me to afford exceptional opportunities,—for the encouragement of religious training,—for though the Government of India must, as I have recently said, hold the balance evenly between all religions and sects, I cannot but feel that a system of education which aims at the training of youth with no regard for religious truths, ignores the very foundation upon which all that is noble in a people should be built.

The entire absence of religious teaching is a defect in our system of education—and yet it is a defect with which the absolutely necessary religious neutrality of British administration renders it impossible for the Government of India to deal. Before the advent of Western learning secular and religious instruction went hand in hand. The teacher was also the spiritual guide, and we cannot disguise from ourselves that a system for which we are answerable has to a large extent deprived the student of instruction in his own faith. It would be useless now to speculate as to what proportion of the causes for any untoward results may be allotted to the system, or to the want of religious teachers, or to the students themselves, but I would ask the latter to assist as far as is in their power to neutralize the evil. They and the University authorities can justly look to the religious associations throughout India for assistance. I have been a University student myself and I know full well how the surroundings of University life go to form a young man's character and to assist in his future career. One is apt to think of such things perhaps too late, after we have bid farewell to our Alma Mater, when opportunities have been lost that can never be recovered, and I would ask you young men of the Calcutta University to enquire of yourselves at this period of your lives what this education has done for you, and to think how you can best utilize it. Do not let the knowledge it has given you lead you astray. It will have opened to you fresh hopes and glittering possibilities for the future, but should all the more deepen your sense of duty and responsibility. You have come to manhood at a period of great educational advancement throughout India and at a time too when through a certain backwardness in the developement of indigenous industries, there is not sufficient employment for the ever-increasing educated class who seek for it. At present too I know that high prices and increased expenditure in living are pressing hard on the "Bhadralog" of Bengal, who may naturally feel that what they have spent in education is after all yielding them but a poor return, and I fully sympathise with them in their difficulties. But yet I hope that with each succeeding year, the growth of home industries and the consequent demand for greater technical knowledge

together with the restoration of Indian arts and letters, will throw open fields of employment which now scarcely exist for those who need never think they have wasted their time in a University education. In furtherance of my hope I have great pleasure, Mr. Vice-Chancellor, in announcing that the Government of India will give an annual grant of Rs. 10,000 towards the establishment of a chair of Economic Science. Education must move with the times, and I trust that this new professorship will put within reach of the students of this University opportunities for obtaining that practical instruction which commercial enterprise and universal competition will more and more require. The past history of the University augurs well for the success of the invaluable work it has before it.

The Vice-Chancellor's Speech.

The Vice-Chancellor next addressed the Convocation at length. In the course of his remarks he said:—

Your Excellency, Your Honour, Ladies and Gentlemen,—I deem it a great privilege to be permitted to address this Convocation which has been held in commemoration of the Jubilee of the University. On an auspicious occasion of this description, one naturally feels tempted to review the progress of the University during the fifty years of its existence and to recount the benefits which have resulted to our people from its foundation. Such an elaborate survey, however, must be more fittingly reserved for the Memorial Volume which the University intends to publish, and I must restrict my theme on the present occasion to the barest outline of the position we occupy at the present moment, indicating, on the one hand the progress we have made in the past and on the other the vastly extended range of work which we have to accomplish in the future.

Two events of paramount importance to the progress of our academic work have happened during the last twelve months and deserve more than a passing notice. To one of these, the munificent gift of two and a half lakhs of rupees by my honourable friend the Maharaja Bahadur of Darbhanga, a felicitous reference has already been made by His Excellency the Chancellor. The other is a munificent gift of another two and

a half lakhs of rupees by the late Babu Guruprasanna Ghose, one of the most cultured scions of a well-known aristocratic family of this city. Forty years ago the University was the fortunate recipient of five lakhs of rupees, out of which two were contributed by an enlightened prince of merchants, Mr. Premchand Roychand of Bombay, and three by an accomplished lawyer of this Province, Babu Prasanna Kumar Tagore. I cannot but deem it a fortunate circumstance, that on the present occasion we have enlisted the sympathies of the wealthy aristocracy of these Provinces, and that we owe our benefactions to members of that body who have lived in the temple of Fortune, and there, unsatisfied, have gone higher, by arduous steps to the temple of Charity, where they have so fittingly bestowed their gifts, in the consciousness that great acqusitions involve great responsibilities. It is worthy of note that the bounty of each has been called forth for an object which is of incalculable importance to the advancement of education in this country. The benefaction of the Maharaja of Darbhanga is to be devoted for the foundation and extension of the University Library; the benefaction of Babu Guruprasanna Ghose is to be applied to train Indian students in the Arts and Industries of Europe, America and Japan. Whatever controversy there may be as to the future development of this University, there can be no possible doubt or dispute as to the sovereign importance of a Library and a Technological Institute. Whoever, therefore, gives us ample funds for the foundation of a Library where the archives of the human race may be treasured and studied, whoever gives us funds to train our young men in laboratories, which not only open the arcana of Nature but directly promote the industries, must awaken our admiration and imperatively claim perpetual gratitude. I fervently hope, that these recent examples of beneficence, so great and wise, so well calculated to advance the moral and intellectual welfare of our youths, will not be completely lost to the many enlightened representatives of wealth and culture in this great Province.

I shall now pass on for a moment to the work of the University during the last twelve months in the way of enforcement and practical realisation of the new Regulations. As I had occasion to observe last year, the portions of the

new Regulations which are of fundamental importance, are those for the appointment of University Professors, Readers and Lecturers. They mark an epoch in the history of the University which is no longer to be restricted to its scope of an examining body with power to grant Degrees, but is in future to undertake post-graduate teaching and ultimately form a centre for the cultivation and advancement of knowledge. It is a matter for congratulation that the University has found it practicable, with the limited means at its disposal, to make a definite and substantial advance in this direction. To crown all this, we have the gracious announcement by His Excellency the Chancellor about the foundation of a University Professorship, which has been received by all with feelings of intense satisfaction, and which will make the administration of His Excellency gratefully remembered for ever as the era of effective and substantial support by the State to the cause of the highest education of Indian youths.

Another work of vital importance upon which the University has been engaged during the last twelve months is a preliminary survey of all our affiliated colleges and recognised schools. As I had occasion before to point out, the control of the University over the affiliated colleges and recognised schools, and the power of supervision created by the new Regulations, are likely to have far-reaching consequences. Henceforth it will be the first duty of the University to secure the efficiency of the colleges, and to be assured that the recognised schools are maintained as places, where sound education is imparted and strict discipline is enforced. We have within our jurisdiction more than fifty colleges and over six hundred schools; the reports upon their condition which will require careful consideration, make it amply manifest, that the institutions where our boys and young men receive their training, are, I regret to say, almost without exception much below the standard of efficiency contemplated by the new Regulations. I have no desire to magnify our difficulties, but at the same time, I feel keenly that it would be a fatal mistake to ignore them and to take a too optimistic view of the situation. It is safe to say that the educational institutions of the future, quite as much as those of the present, will be largely

controlled, if not dominated, by three factors—teachers, instruments and books. In each of these vital elements the deficiency of our institutions is remarkable. They are, without exception, undermanned; of libraries and laboratories, there are only a few, if any, which can satisfactorily stand the scrutiny of the most reasonable test applied according to western ideals. The one possible solution of the situation plainly appears to me to be the expenditure of more money for educational purposes.

From this imperfect review of our present position and future prospects, let us travel back in our imagination, for a moment, half a century, back to the time when the University was founded, and take stock of the progress we have made. I do not desire to dwell at any length on the rapidity and exuberance of the growth of the University, though it is indubitably a matter for sincere congratulation. It would hardly be profitable to recount how the University started with a dozen colleges and a few hundred students, and how, in less than a quarter of a century, the number of institutions within its jurisdiction had increased sixfold, and the students directly amenable to its influence had to be counted by thousands. I need also make only a passing reference to the circumstance, that the benefactions which the University owes to the munificence of private individuals represent fourteen lakhs of rupees to which may be added our Reserve Fund of six lakhs. I do not lay special stress upon these figures, for although they indicate to some extent the popularity of the University and some degree of prosperity, the sums at our disposal are totally inadequate for our needs and would rightly be regarded as insignificant in Europe and America, where, what has taken us half a century to accumulate, would not improbably be contributed by a single beneficent founder like John Hopkins or Leland Stanford. I pass by this aspect of the material progress of the University and I pause for a moment to ask, what progress we have made in our conception of the true scope and functions of a University during half a century of its existence. Here, at any rate, it is some satisfaction to find that we have made definite progress in the right direction. The fundamental conception which lies at the root of the Act of Incorporation of 1857 was that the

University was to be a purely examining body. Nearly half a century later we have come to realise that the object of the University is something wider and nobler than the mere application of tests, however searching they may be, to determine the extent and accuracy of knowledge acquired in institutions over which the University had no direct or adequate control. The present conception of the function of the University is, that it is an institution for the acquisition, conservation, refinement and distribution of knowledge. I believe it is the opinion of most persons competent to form an opinion upon educational matters, that this salutary change in conception of the true function of this University has been recognised not a moment too soon. The original limited conception of the University as an institution which exists solely to conduct examinations and confer degrees, necessarily produced the disastrous result that teaching was subordinated to examinations. While it may be conceded that a system of examinations, properly and reasonably conducted, has undoubted advantages in every system of academic study, it would be idle to deny that there are grave abuses and distinct tendencies to abuse in the extraordinary development of the Examination System in modern times. One of the greatest evils is hasty cram at the last moment, instead of the quiet and deliberate appropriation of knowledge from day to day. Another, and perhaps, a still greater evil, is the desire to adapt the teaching to the examination, or to put it from the point of view of the student, an ingenious attempt to circumvent the examiner by a close study of his habits and proclivities. A third evil, equally disastrous, is an artificial determination of subjects of study which are selected by the student, not entirely from the point of view of his special aptitude but very often from considerations whether a particular subjects pays well at the examination. These and other evils which, if not inherent in, are at any rate concomitant to all elaborate systems of examination, are naturally aggravated, where, as here, a University exists exclusively for purposes of Examination. I rejoice, therefore, that under our new constitution, post-graduate teaching is definitely regarded as one of the duties of the University, and henceforth I trust the

principle will never be overlooked that the teacher is unworthy of his vocation who keeps the coming examination perpetually in sight, that examinations are subordinate to teaching, not that teaching exists for the sake of examinations. Another fundamental idea, to some extent inseparably associated with the position I have just indicated, is partially recognised for the first time by the new Regulations, and when further developed, may have far-reaching consequences—I mean the recognition of the claims of research in every system of advanced education.

There are two other fundamental ideas inseparably associated with the progress of the University which deserve a brief reference on the present occasion. When this University was established half a century ago it was founded upon a policy of religious neutrality and ever since then our Regulations have wisely embodied an emphatic declaration that no question shall be asked at any University Examination which would require an expression of religious belief on the part of the candidates and no exception shall be admissible against any answer on the ground that it expresses peculiarities of religious belief. The wisdom of this policy has never been seriously questioned, but the result has been somewhat unexpected and has often been rightly lamented. A theory has gained ground for many years past that nothing need be taught in schools and colleges which is not directly required for purposes of University Examinations and that consequently, it is no part of the duty of the institution in which our boys and young men are trained, to consider the question of their moral and religious instruction. It is, however, undeniable that no system of education which is purely intellectual and which leaves severely alone the moral and religious elements of life can satisfy the national want or promote the growth of healthy manhood. If this University is to have a permanent hold upon the mind of our people this aspect of the problem will have to be faced and solved. I do not profess to have discovered a remedy, but I firmly believe that if the authorities of our colleges and schools earnestly take the matter in hand, a practical solution will be attainable.

The other fundamental doctrine which lies at the root of our University system of education and to which I desire to make a brief reference, is the principle that European

knowledge should be brought home to our students through the medium of English—that western light should reach us through western gates and not through lattice work in eastern windows. The validity of this principle which has been firmly settled for three-quarters of a century, has latterly been seriously questioned by people of culture and position whose opinion claims consideration. It is enough for me to remind you that nearly twenty years after the foundation of the Hindu College by my countrymen, the struggle between what has been not very felicitously described as Anglicism and Orientalism, terminated in favor of the former, and the great Minute of Lord Macaulay and the famous Resolution of Lord William Bentinck, set the seal of authoritative approval upon the principle unsuccessfully advocated by Raja Ram Mohan Roy and Dr. Alexander Duff, that a thorough first-hand acquaintance with English language and literature will always be essential to those amongst my countrymen who aspire to a high order of education. Who can deny that the Universities, founded upon just and liberal principles, under such circumstances and amid such surroundings, will for ever remain as striking monuments of the coolness, the persistent energy and the generous impulses of the British race? Can it then be suggested with any semblance of reason that the Universities so generously established, have failed in their object of the dissemination of European education amongst our people? I have no hesitation that the answer should be an emphatic negative.

Graduates of the University of Calcutta, who have this day been invested with academic insignia, I call upon you to rise to the true dignity of the position which you have just attained and to recognise and fulfil the responsibility which it imposes. Do not imagine that the charge which I have addressed to every one of you on admission to your respective degrees, that you should in your life and conversation show yourself worthy of the same, is a meaningless platitude or an idle formula. Treat it as the parting message of the University to each and every one of you who have been trained, and, I trust, adequately equipped for the battle of life, under her beneficent guidance. If I were called upon to develop this charge, I would exhort you in the words of one of the greatest

teachers of mankind: "whatsoever things are true, whatsoever things are honest, whatsoever things are just, whatsoever things are pure, whatsoever things are lovely, whatsoever things are of good report, if there be any virtue and if there be any praise think on these things." In whatever sphere of life your lot may be cast, prove yourself to be the true children of your Alma Mater. Educated by the liberality of the State or by private munificence, strive strenuously to make adequate return; with anxious solicitude, promote the education of your countrymen, and be each of you a bright centre of moral and intellectual activity like the scholars of Mediæval Europe, who laden with Greek and Roman learning, brought many of the gems of ancient lore within the reach of those who never had the benefits of classical education and knew none but the vulgar tongue. Make your mission the diffusion of knowledge and virtue and the repression of ignorance and evil. Above all, endeavour to attain stability of character and cultivate that principle of honour, which once tainted or lost can never be regained. Forget not, that unless you are honorable men, all your talents, learning and industry will be in vain, and your intellectual powers will be a snare to yourselves and a delusion to others. Cultivate that humility of spirit which the learned and unlearned alike instinctively feel is the true stamp of culture and wisdom. Cultivate also that spirit of obedience to lawful authority which is the necessary concomitant of true academic discipline. Make yourselves Captains of the peace of the Realm and prove yourselves loyal and valuable citizens, worthy of the confidence alike of your rulers and of your countrymen. Show the world that education and loyalty are not only consistent, but that the more advanced the education, the more genuine the culture, the deeper the attachment to your rulers. Prove to the world that genuine allegiance is felt by you for the nation, which by a liberal and enlightened educational policy have brought your minds into intimate contact with the spirit of the West, and show that such allegiance may be rendered without the least relinquishment of your own nationality and without loss of genuine pride in the magnificent legacy of your ancient civilisation.

Students of this University, allow not the pursuit of your studies to be disturbed by extra-academic elements. Forget not that the normal task of the student, so long as he is a student, is not to make politics, nor to be conspicuous in political life. Take it as my deepest conviction, that practical politics is the business of men, not of boys. You have not that prudent firmness, that ripe experience, that soundness of judgment in human affairs which is essential in politics, and will be attained only in the battle of life, in the professions and in responsible positions. Train yourselves, if you please, in Political Economy, Political Philosophy, Jurisprudence and Constitutional Law; acquire an intelligent comprehension of the great lessons of History; but delude not yourselves in your youthful enthusiasm that the complex machinery by which a State is governed may be usefully criticised and discussed without adequate training and laborious preparation. Remember further that if you affiliate yourselves with a party, you deprive yourselves of that academic freedom which is a pre-requisite to self-education and culture. Submit not, I implore you, to intellectual slavery, and abandon not your most priceless possession, to test, to doubt, to see everything with your own eyes. Take this as a solemn warning that you cannot with impunity and without serious risk to your mental health, allow your academic pursuits to be rudely disturbed by the shocks of political life. Devote yourselves, therefore, to the quiet and steady acquisition of physical, intellectual and moral habits, and take to your hearts the motto

"Self-reverence, self-knowledge, self-control.
These three alone lead life to sovereign power."

Follow the path of virtue, which knows no distinction of country or colour; be remarkable for your integrity as for your learning, and let the world see that there are amongst you

"Souls tempered with fire,
Fervent, heroic and good—
Helpers and Friends of mankind."

The Vice-Chancellor then declared the Convocation closed and the procession left the Hall in the same order in which it entered.

CRITICAL NOTICES.

BOMBAY IN THE DAYS OF GEORGE IV.—Memoirs of Sir Edward West, Chief Justice of the King's Court, during its conflict with the East India Company by F. Dawtrey Drewitt, M. A., M. D., Longmans Green and Co., London, 1907.

THIS book is mainly a vindication of the character of Sir Edward West, the first Chief Justice of the Bombay Supreme Court, from the many unjust aspersions cast upon his reputation and integrity by his opponents whom he had the hardihood and independence to dissatisfy by his impartial administration of justice from the Bombay Bench. After his death, his opponents and their biographers were enabled to deal with the dead judge's memory just as they pleased without any fear of contradiction, as Sir Edward West did not leave behind him any one capable of giving to the world a true and just reading of his judicial character. As such, the notices of Sir Edward West's career as an Indian Judge which we now find in some biographical dictionaries, betray a bias against his memory, and oftentimes convey false impressions about his judicial integrity. In most cases, these biographical notices are very meagre for the simple fact that very little is known and made public of Sir Edward West's career at home and in India. *The Dictionary of National Biography* knows him only as a political economist and devotes but a single sentence to his life as an Indian Judge. No adequate notice of Sir Edward West's life was ever published before, and it had remained for Dr. Drewitt to perform that work quite satisfactorily.

In the present volume we not only find a necessary vindication of Sir Edward West as an Indian Judge, but also a full account of his life compiled from the newspapers and magazines of the period. Being a relation of Sir Edward West, our author has also been able to use some original letters and diaries of Lady West, which indirectly give us an excellent idea of the Anglo-Indian social life of Bombay eighty years

ago. They also bring before us, in its true colour, the antagonism of the high officials of the East India Company, with which all King's Judges had to contend, during the years immediately preceding those great reforms which were effected by Lord William Bentinck as Governor-General of India and followed necessarily on the renewal of the Company's Charter in 1833. The King's Judges were expressly sent out by the Crown to check the greed and injustice of the servants of John Comany and to uphold, on behalf of the British Parliament, England's honour and fair play towards the natives of India. Those of them who had the independence to check the thousand and one iniquities by an impartial administration of justice, naturally incurred the displeasure of the Executive Officials in those days and encountered an opposition from the latter which made the position of a King's Judge a very embarrassing one. Sir Edward West never flinched from his duty, and his rigid devotion to what he thought his duty sent dismay not only to the Governors of the Presidency but also to others who were then aggrandising themselves at the expense of the people of Bombay. West strongly repressed the irregularities of the Bombay High Court and purged it from the defects which made administration of justice a mere mockery. He did a noble work, and like all benefactors of mankind, had been branded with infamy by his opponents after his death.

Sir Edward West came to India as Recorder of the King's Court of Bombay, which was established there in 1799. The jurisdiction of this Court extended only to the inhabitants of the Bombay Presidency, and to those who had dealings with them. As we have said above, the judges of the Recorder's Court were appointed to act as a check on the East India Company and a protection to the natives of India against oppression and extortion. Naturally enough the Company regarded them with suspicion and dislike, and did all that was possible to restrict their powers and limit their jurisdiction. Their instructions too were intentionally ill-defined, and Parliamentary support was uncertain. The Crown, in fact, acted as the absentee landlord of British India, not quite sure of the extent of its title to the

great estate ; and it sent to each of the three Presidency towns, Calcutta, Bombay, and Madras, the King's Judge as its agent to enforce English law and justice and fair dealing on its powerful tenant, the East India Company. The latter, however, ever regarded the sovereignty of their Indian territories as their own private property and always instructed their servants both civil and military accordingly. They resented all along all interference with Indian affairs by Parliament and Crown as an unwarrantable invasion of their rights. Under such circumstances and at a time when the administration of both civil and criminal law was very defective, it was impossible for the King's Judges who did their duty not to come into collision with those who were the custodians of the East India Company's rights and privileges as Sovereign of India.

Sir Edward West was born in 1782. He was a son of Balchen West, who had been Receiver-General for Hertfordshire. Early in life West lost his father and was taken care of by his uncle, Sir Martin Browne Ffolkes, F. R. S., nephew of Martin Ffolkes, one of the first Presidents of the Royal Society, and friend of Isaac Newton. At Hillington West received his early education and was sent to Harrow whence he went to University College, Oxford. Here he took the Arts' degree and was placed in the first class both in classical and mathematical attainments. He was also elected a fellow of the College. In 1814 he was called to the Bar at the Inner Temple and rose rapidly. In the following year he wrote an essay on the *Application of Capital to Land* and published it anonymously at the suggestion of Lord Brougham. It was considered a great triumph of his judgment and acuteness on questions of Political Economy. On news of the death of Sir William Evans, reaching England in 1822, Sir Edward West was appointed Recorder to the King's Court of Bombay. Before leaving home for the last time, West quietly married Lucretia Ffolkes, the youngest daughter of his uncle and guardian, Sir Martin Ffolkes, and received the customary Knighthood from the King of England. On the 1st February 1823, Sir Edward and Lady West arrived at Bombay. From the day of their departure from England, Lady West kept a diary which has been largely used in the book under review. Mountstuart

Elphinstone was then Governor of Bombay, and from him as well as from the officials, Sir Edward and Lady West received a cordial welcome.

From the date of his arrival in Bombay, until his death, which occurred in 1828, Sir Edward West laboured incessantly for a purer administration of justice and for more equal laws. On February 12th, 1823, Sir Edward West took his seat as Recorder of Bombay, and on 19th April delivered his first address to the Grand Jury, in which he pointed out boldly the several irregularities of the Recorder's Court which impeded seriously the fair course of the administration of justice. As there was much plain speaking in this address, it was not appreciated by the Bombay Society on the other hand, it gave rise to feelings of irritation in the minds of Bombay officials who were surprised at the independence of the new Recorder. The next case tried by the Recorder in the year of his arrival gave still more offence to the Bombay Government. A respectable Parsi merchant undertook to supply rice to the local Government in 1802 under a contract. The price of rice fell below its market value, but the contractor agreed to supply on the condition that for one year all rice required for the Military Department should be bought from him alone. To this new condition the local Government agreed, and the merchant made large purchases. But the local Government finding the market depreciating, bought rice privately and did not take any delivery from the native merchant. He, therefore, claimed damages which were refused by the Bombay Government. This case ultimately came for trial before Sir Edward West in April 1823, and he not only decreed the original sum claimed, but gave an award of fifteen years' interest to the Parsi merchant.

But on 18th June, 1823, another event occurred which excited fiercer passions and divided Bombay society into rival camps. This was the dismissal of William Erskine, Clerk of the Court of Small Causes, and Master in Equity in the Recorder's Court. Erskine came out to Bombay with Sir James Mackintosh, his father-in-law, in 1803, and became immediately editor of the *Bombay Courier*. In 1805 when his father-in-law, Sir James,

founded the Bombay Literary Society, Erskine became its Secretary and began to devote his attenton to Oriental studies. When Mounstuart Elphinstone became Governor of Bombay in 1819, Erskine became one of his fast friends. When Sir Edward West became Recorder, several charges were brought against Erskine for misappropriation, and investigations were made by the Court regarding the conduct of the Clerk of the Small Cause Court. On the 18th June, 1823, a special Court consisting of the Recorder, the Mayor and three aldermen was held to consider the complaints against Erskine, who admitted all his irregularities and stated in his defence, that owing to ill-health and various other causes, the business of his office had been left very much to his native assistant. Due consideration having been given to Erskine's defence, the Recorder announced the findings of the Court thus:—That a fraud of considerable extent had been committed for Mr. Erskine's benefit; that in addition, there had been contradiction in his account of the transactions; that the Court might punish him summarily as their officer; that the issuing of subpœna tickets without subpœnas was alone a contempt of Court; that there was more than sufficient evidence for his dismissal from his office; that in this decision the Court was unanimous. So Erskine was dismissed, but the Governor of Bombay, Mounstuart Elphinstone, on behalf of the Bombay Literary Society, and in the name of the Bombay public, gave Erskine a warm farewell on his "unexpected return to his native country." He was asked to sit for his portrait, and everything was done by the Governor to mitigate the sting of dismissal. This was a covert attack on the King's Judge. Most strangely, the Bombay newspapers of the time were silent on the proceedings of the Court which led to Erskine's dismissal, but were very loud on the Governor's farewell to Erskine. They convey really an impression that by dismissing Erskine, Sir Edward West perpetrated a serious miscarriage of justice.

Erskine's dismissal was but a prelude to still more unfortunate incidents. In 1823 Mr. George Norton (father of Mr. Eardley Norton, formerly of the Madras Bar, now an Advocate of the Calcutta High Court) came out to Bombay as Advocate-General. He introduced a scale of fees higher than

those sanctioned by the Master in Equity and on "an average seven times as great as those usually received in England." Together with two other fellow-advocates, the Advocate-General was making at this time such extravagant demands for fees, that a lawsuit on which they were engaged, could not be proceeded with, and the solicitor, Mr. Ayrton, appealed to Sir Edward West for redress against what he considered extortion. The Recorder decided against the Barristers and directed that any fees beyond those usual in England must be left to the discretion of the Master in Equity and of the attorney, the only person capable of judging of the importance of the case and of the client's circumstances. This decision led to the writing of a round robin to the Recorder. At a meeting of the Court on 10th October 1823, a memorial signed by the five Barristers including the Advocate-General, Mr. George Norton, was presented to Sir Edward West asserting that new and illegal practices had been introduced, that the Recorder had been guilty of "irregularity" in the administration of justice, whereby the professional rights and privileges of the Bombay barristers had been prejudiced; for, although, in order to give cheap justice to natives, a Court of Small Causes to which barristers were not admitted, had been established at Calcutta and Madras, the power to establish such a Court had not been extended to Bombay; that the introduction of attorneys to practise as advocates was another innovation of an injurious tendency; that the Court had been illegally held in private for the punishment of alleged offences (in the case of Erskine), and that the rules of the Small Cause Court were not warranted by the King's Charter. Two days later, at a meeting of the Court, the Recorder stated that he was bound to take notice of this "libellous memorial" handed up to him by the gentlemen of the Bar who ought to respect the Court. He would ask them what excuse they had to offer for the libellous memorial Each barrister was then heard in turn, and the Recorder after conferring with the other members of the Court, stated that they had considered the memorial, and that nothing put forward on the part of the Bar had mitigated the impropriety of their conduct; that on account of the insult offered to the Court, the sentence was that the Barristers be suspended for six

months, and that in the meantime attorneys be allowed to practise as advocates. The barristers thus suspended were Mr. George Norton, Advocate-General, Mr. Le Mesurier, Mr. Irvin, Mr. Parry and another.

On the 8th May 1824, the Supreme Court of Bombay was established, and Sir Edward West was appointed Chief Justice. Sir Charles Harcourt Chambers arrived in Bombay as a colleague of West. In July following, during a long lawsuit, an incident occurred which ended in the banishment of Mr. C. J. Fair, editor of the *Bombay Gazette* by Mounstuart Elphinstone in the following way. It appears that when the Supreme Court of Bombay was sitting, a young civil servant, Shaw by name, ordered a native usher to bring him pens and paper. The official replied that he had been stationed where he was by the Judge's orders and could not leave, but that a sepoy would bring what was required. Thereupon Shaw struck the usher a heavy blow on the temple. A writ for contempt of court was issued against Shaw, and as a matter of course, Mr. George Norton, Advocate-General, was asked by the judge to conduct the prosecution. Mr. Norton replied that he was not bound to prosecute offenders against the Court unless ordered to do so by the Governor, and that he had accepted a retainer from Mr. Shaw. The trial proceeded; Shaw was found guilty and fined one rupee. Throughout this trial, the *Bombay Gazette* of which Mr. Francis Warden, a member of the Bombay Council, was the chief proprietor, commented freely on the proceedings. To this, Sir Edward West called the attention of the Governor, and the Governor undertook to reprimand the Editor, Mr. Fair. The latter part of the trial was presided over by Sir Charles Chambers who wrote to Elphinstone complaining that he had been misquoted and misrepresented in the *Bombay Gazette*. The judges did not prosecute the editor, but Elphinstone on receipt of the letter from the Judges, demanded from Fair an immediate and public acknowledgment of the mis-statements and an ample apology to Sir Charles Chambers. Fair offered to insert an apology in the *Bombay Gazette* together with a report of that part of the trial which had been omitted, and sent a copy of the apology for the Governor's approval before inserting it in the paper. The

Governor replied that the apology was not sufficiently explicit, that Fair consequently had forfeited his claim to the protection of the Government, that his license to reside in the East Indies would be withdrawn, and that he must leave at once or give security in 30,000 Rupees to leave within three months. Fair replied that it was impossible for him to give such security. He was then handed over to the Magistrate of police, hurried on board the Company's ship *London*, and shipped for England by a long sea route.

From the above statement of facts, it will be seen that it was Elphinstone, Governor of Bombay, and not Sir Edward West who should be credited with the severe punishment inflicted on the Bombay editor. Hence the popular belief that Sir Edward West banished the Bombay editor is quite erroneous. Sir Charles Chambers never suggested any measures for adoption by the Government. He merely stated the fact of the misrepresentation to the Governor who of his own accord deported Mr. Fair. The whole truth is that before the Shaw trial, orders had been received from the Court of Directors to send Fair home unless a license arrived for him by a certain day, which had elapsed. Elphinstone was only waiting for a suitable occasion to send Fair home, and the incident noted above furnished. Yet, in the face of all these indubitable facts, Colebrooke in his life of Elphinstone says:—"It has been seen that one of the first acts of the Court was to appeal to the Executive to deport an unfortunate editor." And still more amazing is the statement made by the author of "Glimpses of Old Bombay" that Sir Edward West himself "deported Fair."

In January 1826 an unpleasant incident occurred which is thus described by Lady West in her Diary under date 6th January 1826:—"We dined yesterday at Parel; Mr. Elphinstone handed the bride Mrs. G. Forbes to dinner, and I went down with Mr. Warden. The Governor thought proper not to allot any Lady to Edward, though the first person in the room, and it was so unusual, that before he had time to look around, all the ladies were gone, and he was left to walk downstairs among the Cadets; and when he reached the dining-room, he was obliged to seek

General Wilson and Mr. Burrowes to allow his servant to place a chair between them. Edward wished to have come away quietly as soon as the gentlemen came up in the Drawing Room and to avoid Mr. Elphinstone, who stopped him at the head of the stairs and said something about a slight mistake. Edward of course asked for an explanation, this not being the first or the tenth time Mr. Elphinstone has behaved with rudeness at his house. Of course we then came away, expecting to receive some apology next morning for such extraordinary conduct. This morning, whilst Edward was walking on the Esplanade, a note was brought from Colonel Macdonald to beg for a few minutes' conversation alone. He soon rode up and with not much courtesy actually challenged Edward, unless he made an apology for what he said the night before; certainly rather reversing the tables, as of course Edward [illegible] an apology from him; and as to going out, as Edward told Colonel Macdonald he was amazed both at Mr. Elphinstone's sending, and his bringing such a message. He could only consider it as a taunt; and then to get out of it, Edward's word the night before of 'explanation' was tortured into '*satisfaction.*' Edward, of course, wrote to Mr. Elphinstone his astonishment at the mistaken words, and if he fancied Edward challenged him, why did he send a friend to appoint time and place."

This unfortunate incident led to some correspondence between the Chief Justice of the Bombay Supreme Court and the Governor of Bombay. It has been given in full in the present volume. Eventually Elphinstone managed to convince the Chief Justice of his good intentions, as there was much to be explained away and apologised for. In June 1826, another incident happened which drew forth the attention of the Court of Directors on the connection which their servants had with the Public Press. During a sitting of the Supreme Court, Mr. Francis Warden, Member of the Bombay Council, handed to the Judges and others, a printed letter, signed by himself, insinuating that the Judges had furnished the *Oriental Herald* of London, edited and owned by James Silk Buckingham of *Calcutta Journal* fame, with a statement that he had unfairly used his power as a newspaper proprietor

(of the *Bombay Gazette* and *Bombay Courier*). In this letter Mr. Warden ackowledged his proprietorship of the papers, but denied any bias against the King's Court. Sir Edward West after pointing out the impropriety of the letter, the groundlessness of the insinuation, and the continued misrepresentations appearing in Mr. Warden's paper, told him that he as newspaper proprietor was answerable both civilly and criminally for the contents of his paper, but as by the Charter, he was exempt from all criminal responsibility to the Law Courts of India, this fact alone showed the extreme impropriety of a member of Council becoming the proprietor of a newspaper. Irritated at this remark, Mr. Warden, at the secret connivance of Elphinstone, laid complaints against the conduct of the Chief Justice before the Court of Directors. Of this memorial, Sir Edward West was provided with a copy by the Governor of Bombay to enable him to prepare a reply. The Chief Justice immediately forwarded to the President of the Board of Control a spirited report on the "Interference of the Bombay Government with His Majesty's Court and Judges," in which he severely attacked Francis Warden for his share in the Bombay Press and Elphinstone for his secret connection with the Bombay newspapers. The Bombay Governor was obliged to deny all connection with the Public Press, and so, no doubt, made easier the unexpected answer from the Court of Directors ordering that in future no Company's servants shall be proprietors and editors of newspapers. All connection with the Press by the Company's servants was strictly forbidden in 1826.

At this junction Elphinstone most unwisely presented to the Judges for their sanction a proposed law prohibiting the publication of any newspaper except by persons holding a license, revocable at will, from the Bombay Governor. The proposed regulation was carefully considered by the King's Court. Sir Edward West decided that there was nothing in the state of Bombay society to justify such a restriction on the liberty of the subject and gave his opinion against the law. Sir Ralph Rice, a Judge of the Bombay Supreme Court, thought the Regulation inconsistent with British Law, but would defer to the Bombay Council

Sir Charles Chambers supported the opinion of the Chief Justice, and believed that to introduce such a rule at a "time of perfect tranquillity would be imposing new shackles to restrain no evil, and, by leading to by-paths of favour and influence, to create perhaps a greater evil than it could obviate." The Court then gave a judgment against the proposed Regulation to the relief of all honest journalism and to the great indignation of the Bombay Government.

In November 1827, Elphinstone retired from the Governorship of Bombay and Sir John Malcolm succeeded him. Shortly after, Sir John Peter Grant of Rothiemurchus arrived in Bombay as a puisne judge of the Bombay Supreme Court in the place of Sir Ralph Rice. The Bombay officials for some reason seem to have thought that Grant would side with the official party, leave the Magistrates alone and join readily in shaking the boughs of the ever-fruitful pagoda tree. In this mistaken notion, they gave Grant a hearty welcome on his arrival at Bombay to win him over to their side. But alas! they reckoned without their host. Not the smiles of the Governor, nor the prospect of wealth and advancement, could make this Highland gentleman budge from the position he saw to be the right one. He loyally supported his colleagues during their lives; and after their death, protected their reputation, defying that incarnation of the buccaneer of the Old East India Company—Sir John Malcolm; declaring that, though the letter of the Bombay Government "had killed his fellow judge" it should not kill him; and bereft of friends and all the legal help on which he he had depended, bravely administered English law to the best of his power.

But Sir John Peter Grant was not long associated with the Chief Justice, as the latter in August 1828 was seized with a sudden illness and died. A pathetic picture of the closing scene of Sir Edward West's earthly career has been given by his devoted wife in her diary and we give it here as she wrote on the 17th August (Sunday):—"The night has been a dreadful one with hiccough and fever, and his dear mouth so parched. God have mercy upon him, and support me under the awful trial which I fear awaits me. He laid in my arms and his breathing became fainter and fainter, and his dear soul

departed at half-past eight on Monday morning, August 18th, 1828. I closed his sweet eyes myself, and sat by the bed and watched his sweet countenance all day. It was so calm and serene. At six I was obliged to take my long last kiss and I wonder that I am alive and in my senses, but God, in his mercy, has wonderfully supported me. *August* 19th (*Tuesday*).—At six this morning the Minute Guns began to fire; each seemed a death-blow to me. At seven I went to Church with my beloved Edward and saw him put into his grave. Good God, what a moment—one only longs to be there also." This longing was satisfied within a fortnight. On the 4th September she died in giving birth to a child who did not survive. Her life and Journal ended together. They left a daughter who was taken care of at first by Sir Charles Chambers and then sent to England. She grew up and married Colonel R. G. Wale, son of General Sir Charles Wale, K.C.B.

Great regret was felt in Bombay at the death of the Chief Justice. The natives of Bombay, Hindoos, Parsees and Mahomedans, combined and founded a scholarship in memory of Sir Edward West. Both the Bombay Government and the Bombay newspapers paid honour to the memory of the deceased. The former ordered forty-five minute guns, corresponding with the age of the deceased, to be fired from the ramparts of the garrison, and that the flag of the castle be hoisted halfmast high. The latter came out with long appreciative obituary notices. Soon after, Sir Charles Chambers, his colleague on the Bench, published a memoir of Sir Edward West—a small pamphlet signed "Scaevola," of which there is no copy in the British Museum or India Office libraries. The world now knows more of him through the indefatigable labour of love of Dr. Drewitt. The present memoir is written not only with sympathy but also with a considerable knowledge of the time during which Sir Edward West worked on the Bombay Bench. Hence it is a distinct gain to the historians of India who formerly wrote on the Bombay Judge with imperfect and inaccurate information. The present volume is a storehouse of accurate information about Bombay during the days of George IV, and the fact that our author has been able to publish in full Lady West's excellent "diary" and some other hitherto

unpublished letters and documents, justifies the remark that Dr. Drewitt has done a work of permanent value and importance by rescuing from oblivion a noble career of a noble man.

THE PEOPLE OF INDIA.—By Sir Herbert Risley, K.C.I.E., C.S.I. Calcutta : Thacker, Spink & Co., 1908.

It is customary with Europeans, and especially with those Englishmen who have seen India, to speak of this country as a perplexing world. Physically and socially, India really presents to European observers a series of the most difficult puzzles. The fact that everything here is on a bewildering scale has baffled all attempts of those European writers who have endeavoured for the last one hundred and fifty years to bring home to their countrymen the origin of the difficult puzzles and the growth of so many perplexities in both physical and social India. The Europeans generally read what these writers say, learn up their figures try to understand their descriptions, but fail for all their labour to realise what India is. Usually they form a picture of the land in their minds—either as a green delta or a sun-baked plain, a wild region or a vast park, but when they come here they see that there is no India ; that the peninsula so called is as large as Europe west of the Vistula, and presents as many variations of scenery. Thus in its external or physical aspect, India is a puzzle to many Europeans. It is also the same in its social aspect. The European thinks of Indian Society as an innumerable crowd of timid peasants "divided into castes" and separated from each other by impassable lines of demarcation. But when he comes and lives among these people who seemed to him at first so disunited and disjointed, and whose society he at first thought to be so unsafe and insecure, it occurs to him that there is an essential unity among the diverse Indian castes, in virtue of which Indian Society has continued as a stupendous social fabric moulding together the great mysterious incorporation of the Indian races for the last three thousand unbroken years. Then it occurs to him that through the segregativeness, the separation into atoms of Indian Society there is an attraction which

has galvanised the diverse Indian races into a national character—a general personality. Then he clearly understands that a certain uniformity of life underlies the Indian races from the Himalayas to Cape Comorin and gives to Indian Society that consciousness of common interests which may develop in time into a sentiment of nationality.

Sir Herbert Risley, in his latest work, has tried to study the people of India scientifically, his chief aim being to systematise the knowledge that has been gained by ethnological researches among the races of India. Such a scientific study may, in the end, discover some common basis from which the Indian castes may have derived their gradual developments; in such a systematised knowledge of the Indian castes, we may detect their motive principle and how their modern developments have taken shape; and thus indirectly neutralise those difficult perplexities and puzzles which obstruct so materially the European view of Indian tribes and castes. No scientific study or investigation can proceed without some hypothesis, and if the known facts can be satisfactorily explained and verified on the foundation of such an hypothesis, scientific study of a subject can only proceed on the right lines. In the first chapter the author has taken for granted the scientific classification of the human race into three primary types, the Ethiopian, the Mongolian and the Caucasian. This classification is based on the science of anthropometry. In Europe and elsewhere, where there is no restriction on inter-marriage and where there is nothing to prevent the union of the Swiss with the Saxon, anthropometrical classification of a people must be held to be quite inconclusive, but in India, where the population is broken up into a large number of mutually exclusive castes, the members of which are forbidden to marry outside of the caste to which they themselves belong and thus definite types of people are living from time immemorial without losing their characteristics, physical and social, it is thought that the science of anthropometry, if applied to the Indian people, would produce conclusive data for an eventual determination of the classes into which the human race ought to be divided. With this object in view our author some years ago took the anthropometrical measurements of eighty-nine tribes and castes of India, and

was led to believe from the data obtained from his measurements, that it was possible to distinguish in the area covered by the experiment, three main types which were named provisionally Aryan, Dravidian and Mongoloid.

We have said above that science must proceed on an hypothesis. It is now clear that the science of anthropometry takes for granted that there are certain types of man in the world and that all existing individuals can be brought under any one of these types by the measurements of their head, nose and face. This is the hypothesis of anthropometry. Against this it has been urged by some scientific men and philosophers that the types now taken for granted as primary are not so, that the type of the primitive man and woman is quite unknown, and that which is taken as primary is really an admixture of the primary types. Besides, it has also been urged that as the formations of the nose, the head and the face of men are influenced by the climate of the region in which they live, they do not necessarily denote that these men always belonged to a particular type possessing a peculiar formation of these physical organs. A Mongolian family which is now anthropometrically distinguished as such by their having coarse straight hair without any tendency to curl, broad and flat nose, sunken eyes and moderate sized teeth, may lose these physical characteristics by changing their habitat and acquire totally different characteristics, in course of time, approaching those of the other types. Then they may cease to be Mongolian anthropometrically. Thus a Mongolian type may by climatic and other natural influences become an Aryan type.

Then, again, there is another difficulty which has been diffidently touched upon by our author. Do anthropometric measurements by which human beings are being divided into different physical types reveal any real traces of their consanguinity? Does a particular physical type, say, the Dravidian-Mongoloid type, prove that this particular type is really Dravidian-Mongoloid in consanguinity? The Bengalee people have been called Dravidian-Mongoloid in physical type; does this prove that these people are socially or consanguineously a cross-breeding between the Dravidian and the Mongolian? Sir Herbert Risley is not decisive on the relation which anthopometrical measure-

ments have with consanguinity. If they do not prove consanguinity, besides the physical characteristics of a particular type, anthropometrical conclusions must be said to be devoid of any perennial value to the study of mankind. In that case, a people Aryan in blood may be Dravidian-Mongoloid in physical features, that is, anthropometrically and *vice versa*. This incongruity between the physical features and the consanguinity of a people has been the greatest drawback of anthropometry in Europe; the same inconsistency seems to reveal itself in all the physical types in which the Indian people have been divided by our author. If, on the other hand, our author hold that anthropometric data reveal also the consanguinity of a people, we would ask him to prove that by historical facts before we can persuade ourselves to believe in his contention. The Bengalee Brahmans fall within the Dravidian-Mongoloid type; we would ask the author to show that they are Dravidian-Mongoloid in blood if he hold that physical features reveal consanguinity. Without calling in the aid of historical facts bearing on the point, there is no other way of proving the necessary connection between consanguinity and physical features. But this task has been left undone, and no attempt has been made to connect consanguinity with physical features or anthropometric data.

The physical data gained from anthropometric measurements have enabled the author to divide the people of India into seven main physical types to which the following distinctive names have been assigned :—(1) The peoples of Beluchistan, Afghanistan and the North-West Frontier Province have been called the *Turko-Iranian* type; (2) of the Punjab, Rajputana and Kashmir, the *Indo-Aryan* type; (3) of Western India, including the Mahratta Brahmans, the *Scytho-Dravidian* type; (4) of the United Provinces of Agra and Oudh, Behar and Ceylon, the *Arya-Dravidian* type; (5) of Lower Bengal and Orissa, the *Mongolo-Dravidian* type; (6) of the Himalayas, Nepal, Assam and Burma, the *Mongoloid* type, and (7) of Madras, Hyderabad and Central Provinces, the *Dravidian* type. It is gently hinted that these distinctive names for the types beg the highly speculative question of the elements which have contributed to their formation, and that if hypotheses of origin

are worth constructing at all, one should not shrink from expressing them in their most telling form. Quite true. But one must have undoubted historical facts for the construction of such hypotheses of consanguinity, which are, however, wanting at the present time. Our only guides now are tradition and conjecture, on the basis of which a hypothetical study of the evolution of the Indian people may be possible ; but an attempt to prove the consanguinity of a type on the frail bases of tradition and conjecture is, we believe, a hopeless task. The distinctive names show that the first five types are mixtures ; but what evidence have we to hold conclusively that the people who belong to each of these types are really of mixed origin ? To hold that these types are of mixed origin, is to contradict the view of caste as taken in the next chapter, according to which intermarriage between the castes is quite impossible. Are we then to believe that the origin of these types took place before the origin of castes in India? Surely mixture could not have taken place after the formation of Indian castes which rigidly forbid intermarriage. That there is some truth in this contention is admitted by our author when he says that "the origins of these types are hidden in the mist which veils the remote era of the Aryan advance into India." Hence whatever hypotheses of the origin of these types we adopt now on anthropometrical measurements, we are bound to hold at the same time that these types owed their origins before the era when the incorporation of the Indian people into castes took place gradually. Formation of castes strictly forbade mixture.

From physical types, the author proceeds to social types of Indian people. There are at present a very large number of castes into which the people are divided, and the author has tried to divide these castes into types or divisions. Tribal, functional, sectarian, national, crossed, migratory, customary, these are the names given to the various divisions of castes. Such divisions are always misleading, for caste has been given to a community which does not know caste. In this chapter, the word caste has been most loosely used, for the Native Christians have been called a caste. In fact, no attempt is made to confine the word caste to the Hindus who only know castes in their real forms. Among the Hindus and within the pale of the

Hindu community, it is impossible to have a new caste; if any such is now found, it is an outcaste without the pale of Hinduism. Change of occupation or customs does not lead to the formation of a new Hindu caste; in fact, if that be possible, the whole Hindu caste system would immediately tumble down. A Hindu is a Hindu so long as he belongs to one of the standard Hindu castes; if he does not belong to one of these, he becomes fallen, just as the Piralis have been. A Hindu caste is really a caste in the true sense of the word; those castes which lie outside its pale are not strictly endogamous, and, as such, should not be called a caste, but a class. Our author has not used the word caste in this restrictive sense, but applied it generally to all classes of the Indian people, no matter whether they belong to Hinduism or not. A Hindu is hence surprised to read that new Hindu castes are being formed frequently; as a matter of fact, these new formations are outcastes and not strictly endogamous. Instead of calling these outcastes as castes, the proper course would be to call them groups or classes as distinguished from Hindu castes.

Caste has been defined as a matrimonial group, the members of which are forbidden to marry outside their own circle or group. This description of caste as given by our author is quite accurate, and we hold that according to this definition, non-Hindu classes or outcastes cannot strictly be called *castes*, for the reason that these outcastes or classes can marry outside their own circle or group or class. An example will make this clear. According to Sir Herbert Risley, the class of the fallen Brahmans, Pirali, is a caste. We hold that according to the definition given above, Piralis cannot be called a caste because they can marry outside their group. Piralis often marry Brahmans; in fact most of their sons-in-law have been recruited to their class from the Bengal Brahmans. It is not strictly necessary that a Pirali should always marry a Pirali; they are, indeed, always willing to give their daughters in marriage with Brahmans, if the latter consent to marry a Pirali woman. A Brahman marrying a Pirali becomes a member of the Pirali class, that is, becomes a fallen Brahman. So also the modern Brahmo community—really a sectarian class—cannot be called a caste, for they do not, in any way, tolerate any caste distinctions.

There is nothing to forbid a Brahmo to marry outside his own community ; it is not necessary that a Brahmo should always marry a Brahmo ; in fact, they always marry Hindus of all castes to swell the bulk of their community. Hence how can the Brahmo community be called a *caste* according to the above definition? Caste is essentially a Hindu social institution and should, therefore, be always distinguished not only from out-castes or classes mostly non-Hindu, but also from sects. There are many non-Hindu castes as well as non-Hindu sects. To none of these should the word *caste* be applied, as they are not really castes in the strict sense of the word. We think, therefore, that our author has caused confusion by calling all Indian sections, groups and classes, castes. There is some essential difference between a Hindu caste and a non-Hindu class ; had there been none, there would not have existed now a thing called the Hindu society. The rigidity of marriage restrictions is the life of Hindu castes ; this differentiates them from non-Hindu classes, and as this rigidity is wanting in the latter, they cannot be called castes. The Native Christians of India are really a community ; so also the Eurasians ; the Hindus, the Mahomedans, the Jains, etc. Except the Hindu community, none of these is divided into castes ; so the word caste should always be applied to different sections of the Hindu community, for these sections are really typical castes as they are forbidden to marry outside their own castes. But Sir Herbert Risley has not observed this fine distinction of caste in his application of the word to all sections of the Indian people, though in his definition of caste, he has embodied the distinction which makes a class a caste. He has divided the whole of the Indian people into castes—a procedure which has made classification of the Indian people quite confusing. We regret to say that in this classification, he has failed to apply properly the definition of caste, according to which only Hindu sections can be called castes and not others who live outside their pale.

Next, we are told that "all over India at the present moment tribes are gradually and insensibly being transformed into castes." This clearly shows that what the author means by castes, are really social groups or classes not really

"endogamous" or forbidden to marry outside their circle or group. Formation of new castes means necessarily that the existing castes are not forbidden to marry outside their own castes, for how can new castes arise out of the existing castes, if the latter are forbidden to marry outside their own circle? Hence the new formations are not really castes in the sense in which a Hindu caste is a caste; they are really social groups or classes not really endogamous. Thus tribes cannot form themselves into new castes in the sense in which a Hindu section is a caste, but can convert themselves into social groups. In this connection it should also be noted that the so-called aboriginal tribes who have been described by our author as having recently formed themselves into new castes of Hindu type, are not really examples of new castes of that type, for in the fold of Hindu society, no new castes can be formed, as all matrimonial intercourse is religiously forbidden between the Hindu castes themselves; but rather examples of incorporation or assimilation with one or other of the standard or recognised Hindu castes These tribes must have occupied some relation in ancient times, with some of the standard Hindu castes; this relationship or "Hindu scent" in them has gradually enabled them to have matrimonial connection with some of the recognised Hindu castes and thus helped their incorporation or assimilation with some one of the Hindu castes, as we know in its developed form. Hence these are not, and cannot be, examples of new formations of Hindu castes.

For the above reason, it is only just and proper that Hindu social types should be called castes and other non-Hindu social types by a different name. The latter may be called communities, classes or groups as distinguished from castes which are strictly endogamous. Our author has divided the Indian population into several social types and has described them as castes. His method of classification is bound to convey a wrong idea of what a Hindu caste is to Europeans in general. We have shown above how tribes can be absorbed into standard Hindu castes. It would be a mistake if we call them *tribal* castes, for among the standard Hindu castes there is no caste called tribal. The proper name by which these absorbed castes should be called, must necessarily be the name of

the standard caste or castes into which they have been absorbed, for the absorbed castes must have taken the social status of the standard castes into which they have been absorbed. The second social type or caste has been called *functional* or *occupational*. Among the standard Hindu castes, there are many such occupational or professional castes, but occupation or profession is not the hall-mark of the castes to which certain sections of the Hindus belong. The Subarna-baniks, the Gandha-baniks, the Agarwals, the Ossawals, the Bhatiyas, etc., may be now classed as functional castes, but the following of a function or a profession does not place them in a caste, nor can the change of such function or profession deprive them of their caste. They belong to a particular caste, no matter whether they follow a particular profession or not. A Subarna-banik cannot leave his caste aside by ceasing to follow the present profession of a Subarna-banik. He may follow a different profession, may be a clerk or writer, may be an agriculturist, but that change of occupation and adoption of a new occupation cannot give him a new caste; he must belong to the caste of the family to which he belongs. The Sadgops and the Kaibartas of Bengal are two different Hindu castes both having agriculture as their profession; in recent times, the latter have considerably changed their occupation, so also the former; but by doing that they cannot break away from their original castes which they have inherited from their forefathers. Our author is certainly wrong when he says that these people have broken away from their pastoral caste; they never belonged to any such caste and did not lose any such caste by changing their original or hereditary occupation. A Hindu may be a lawyer by profession but "Sadgop" by caste. A Hindu may be a Judge of His Majesty's Supreme Court of Indian Judicature by profession; still by caste he may be a Sunri (literally wine-seller)—an unclean caste. The educated Kaibartas and Sadgops cannot separate themselves from their uneducated brethren by caste; educated, half-educated and non-educated Sadgops and Kaibartas all belong to their respective castes and cannot form themselves into new castes according to the degree of their education.

All our above remarks are made in connection with

Hindu castes and their structure. Hindu castes cannot be determined by function or sect; a Hindu may follow any one of the various professions he likes; he may belong to any one of the Hindu sects which are innumerable in number; either of these is not an index to his caste. By migration a Hindu does not lose his caste, nor can acquire the status of a new Hindu caste. A Bengal Brahman, if he goes to Kashmir or Rajputana or Nepal is still a Bengal Brahman; he cannot marry with his new neighbours; for the purpose of marriage he must come to his own caste in Bengal. Changes of custom frequently lead to the formation of outcastes, but not new Hindu castes. For instance, the section of the Bengali people who are now adopting widow-marriage—a non-Hindu custom—are becoming gradually an outcaste—a fallen Hindu caste so to say. A Hindu who marries a widow immediately falls off from his social status and is degraded as an outcaste. Hence the only way in which the caste of a Hindu can be ascertained is not by examining his profession or his sect, but by his matrimonial relationship; we must ascertain with which caste he holds his matrimonial connection; there lies the true means of ascertaining a Hindu's caste.

On the grounds stated above, we hold that our author has made a great mistake in classifying all Indian people into castes, for all Indian communities, except the Hindu community, do not know any form of caste among themselves. Among the Indian people, there are Christians, Mahomedans, Buddhists, Jains, who are not divided into castes; yet our author has divided them into castes. The Hindu community only know caste, and they alone should have been divided or classified into castes according to their profession just as Dr. Bhattyacharya has done in his excellent *Hindu Castes and Sects.*

Turning to the chapter in which the origin of caste is discussed, we find a series of theories by men who have not the remotest idea of what a caste is. All these theories are "anthropomorphic" without any foundation in fact. The dominant idea in Europe at present is that everything has followed an evolutionary process in its present development;

everything is sought to be explained by evolution. Labouring under this idea, European theorisers have sought to explain the origin and growth of the caste system by evolution. They do not believe that caste owed its origin to Brahmanic legislation. According to our author, Manu is a modern law compiler, because Sir Henry Maine holds this view; his description of the Hindu caste system is borrowed from the Persian legend; and the Indian theory of caste is modelled on the Iranian theory, because a division of society in four classes—priests, warriors, cultivators and artisans—appears in the sacerdotal literature of ancient Persia. This is discovery no doubt, and reminds us of the theory put forward some years ago by Weber that Valmiki borrowed his materials for his epic poem (Ramayana) from Homer. Sir Herbert Risley thinks that in the stage of development portrayed by Manu, the Hindu caste system has not hardened into the rigid mechanism of the present day. Quite true; and that was the reason why Manu classified the castes and gave them social status, so that they might harden into the rigid mechanism of the present day. Manu's function was that of a lawgiver and not of a theoriser. He ordered the ways in which the castes should be graded, and the Hindu caste system has been graded accordingly. This shows that the present rigid mechanism of the Hindu caste system owed its motive principle to Manu's legislation. After Manu, we know for certain that King Ballal Sen of Bengal again reconstructed the social system of the Bengal Hindus in his time, and founded what is known as Kulinism among them. Changed circumstances made the modification of Bengali society quite imperative in his time, as there occurred confusions among the castes for want of social precedence. Being a Hindu monarch, Ballal Sen regularly graded them in Hindu society with definite social status assigned to each caste. A new order called Kulinism—an order of nobility of birth and blood—was instituted among them. Among the Brahmans, it became a sacerdotal order, a nobility of priests, founded on learning and conduct.

After Ballal Sen, further restrictions were imposed upon the social system of Bengal by Devivar Ghatak, the prince o

Ghataks or genealogists under the orders of King Kanghsa Narain who rose in Bengal as independent king after the decline of the Afghan rule. His seat of kingdom was Tahirpur, in the Rajshaye Division of Bengal. Devivar introduced to the social system of Bengal the distinctions of *Mel.* They are still operative among the Hindus of Bengal. Now we ask our author, are not these artificial regulations introduced into Hindu society from time to time to remove confusions among the different social orders and acted upon by the Hindus as sacred injunctions, a sufficient warranty for holding conclusively the Indian theory of the origin of the first four castes which must have been devised by Brahmanic legislation? If all the later parts of the Hindu caste-system can be seen historically as owing their existence to Brahmanic legislation, what objection can there be against holding that the first or original part of that system was called into being by Brahmanic genius? It is true that the time when these first four castes were evolved in Hindu society is hidden in the mist which veils the remote era of the Aryan advance into India; but since the dawn of authentic history, we have seen that Hindu society is being frequently reconstituted by Brahmanic legislation.

We have not space enough to examine the contents of the other chapters of the book under review; we have found in them nothing strikingly original. The wrong view of caste taken at the outset as a factor of split among the Hindus, necessarily leads the author to conclude that it is not possible for the diverse races of India to form themselves into a single self-governing community or a *nation* even in the remotest future. This is quite an Indian official-like view. To Sir Herbert Risley, caste in particular seems incompatible with the idea of Indian nationality, but may we ask him in concluding, what is it that gives a "certain underlying uniformity of life from the Himalayas to Cape Comorin," and in virtue of which he admits that "there is, in fact, an Indian character, a general Indian personality?"

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No man who hath tested learning but will confess the many ways of profiting by those who, not contained with stale receipts, are able to manage and set forth new positions to the world; and were they but as the dust and cinders of our feet, so long as in that notion they may yet serve to polish and brighten the armoury of truth, even for that respect they were not utterly to be cast away.—MILTON.

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CALCUTTA REVIEW.

No. 253.—JULY 1908.

Art. I.—THE QUARTER.

THE second quarter of the year 1908 will provide the future historian with material in abundance for a most interesting chapter in the history of India since it became a possession of the Crown of England. The unrest in Bengal which broke out in an acute form on the administrative change known as the Partition, developed into open sedition which generated a secret society of avowed anarchism, with a propaganda extending to the whole of India. The climax was reached when two emissaries perpetrated a frightful bomb outrage at Mozufferpore by which two innocent Englishwomen were done to death. Then followed arrests with the usual consequence that one of the anarchists, to save his neck, turned approver, revealing the existence of an active and well equipped agency for the assassination of the chief officers of the Government. These events forced the hasty enactment of repressive legislation, the effectiveness of which has not yet been proved, and is gravely doubted by publicists and administrators best qualified to judge by long experience and intimate knowledge of the country. The Seditious Meetings Act put an end to the preaching of sedition, boycott, and racial hatred from public platforms, but the ordinary law was incapable of

Sedition.

repressing open disloyalty and malignant vituperation of everything English in a certain section of the Native Press of Calcutta. The frequent prosecutions of pretended editors, mostly callous youths, and irresponsible printers before Mr. Kingsford, the Chief Presidency Magistrate, merely served to excite the real culprits to uncontrolled frenzy, the *Yugantar*, a vernacular journal, taking the lead. The failure of the Police to discover and apprehend these men raised their audacity to a very high pitch and the secret society developed extraordinary activity.

The Mozufferpore Outrage.

Mr. Kingsford, the Chief Presidency Magistrate of Calcutta, was translated early in the quarter to Mozufferpore in the ordinary course of promotion of the Bengal Civil Service. The revolutionaries decided to assassinate him for the harshness he had shown to Bengali writers and orators prosecuted for sedition. Two youths, Prafulla Chandra Chaki and Khudiram Bose, were chosen to do the deed and left Calcutta on the 28th April armed with a bomb and revolvers. On the night of the 30th they lay in wait for their victim, intending to hurl the bomb at his carriage as it drove him home from the Club. Their fiendish purpose miscarried in so far as Mr. Kingsford was concerned, but it was only too successful in the murder of two innocent women, Mrs. and Miss Kennedy, the wife and daughter of the leading English barrister in the district, who came from the Club in a carriage very similar to that of Mr. Kingsford. The lurking assassins believed their victim was delivered to them and Khudiram hurled the bomb. It struck Miss Kennedy and exploded. The poor girl was frightfully mutilated and her mother dreadfully injured. Both died and the indignation of the Planters of Behar was intense.

The Police captured Khudiram Bose while trying to make his way back to Calcutta, and Prafulla escaped the same fate by blowing his brains out with a revolver. Khudiram was subsequently tried by Mr. Carnduff, the Sessions Judge, and sentenced to death.

The Anarchist Plot.

Immediately after the outrage at Mozufferpore the Calcutta Police made a midnight raid on a garden at Manicktollah and a chemist's shop in Harrison Road. The haul consisted of large quantities of picric acid and dynamite and other materials for the manufacture of bombs, and several revolvers and swords. Thirty persons were arrested, among them Arabindo Ghose, the hero of the *Bande Mataram* prosecution before Mr. Kingsford, and his brother Birendro Krishna Ghose. They were the owners of the Manicktollah garden, which it subsequently transpired was the academy of anarchism and the chief manufactory of bombs. These men were charged before Mr. Birley, the District Magistrate of Alipore, and Birendro came forward and made a clean breast of the whole plot. The school of anarchism was started as long back as the beginning of 1907, and the *Yugantar* was established as it organ. Birendro claimed all the credit of the enterprise and did everything in his power to exonerate his brother Arabindo, who appeared to be in the last stage of consumption. He said that he collected funds to send his associates to Europe, America and Japan to learn how to make bombs. When they returned and succeeded in manufacturing these infernal machines attempts were made on the life of Sir Andrew Fraser, Lieutenant-Governor of Bengal, first at Chandernagore and then at Midnapore. They also tried to assassinate the Maire of Chandernagore. All these miscarried, and it was not until the outrage at Mozufferpore

that they succeeded in their aim of murder by bomb. In the meantime, however, the revolver was used with partial success on Mr. Allen at Gauhati. These revelations naturally created a sense of great insecurity and the whole of the loyal population, Native and European, demanded of the Viceroy a policy of repression. The Secretary of State for India was at first reluctant to adopt measures which would be unpopular with a Radical party to whom the very mention of coercion is hateful; but the open sympathy expressed by certain native papers for the anarchists forced the hand of the Government.

Repressive Legislation.

A meeting of the Imperial Legislative Council was held at Simla on 8th June at which Sir Harvey Adamson introduced one bill to amend the law relating to explosive substances and another for the prevention of incitements to murder and other offences in newspapers. In his apology for these hasty measures he said: "We have to cope with an organised band consisting unhappily not of the men of the lower criminal classes, but educated men who are banded together against all the interests that keep society alive, men who like pirates are the enemies of the human race. Knowing the danger before us—a danger which in India is new—we must meet it by new remedies, not in the spirit of panic, but in a cool and resolute spirit and with a determination to strangle those plans and put down the authors of them." The Explosives Act increases the power of the police to arrest persons in possession of explosives without a license; the Newspaper Act is the sequel. To quote the Home Member: "It is intended to provide a more effective way than prosecution for attempts through newspapers to incite to murder and

acts of violence." Lord Minto suspended the ordinary rule of business so that the Bills might be passed into law at once, and in summing up expressed his fear that neither of the Bills might prove strong enough for the crisis, in which case they would be amended. He foreshadowed a general Press Act to deal with "unbridled journalistic freedom under Indian conditions," "India," he said "is not ripe for complete freedom of the Press. It is unfair upon her people that, for daily information, such as it is, they should be dependent upon unscrupulous caterers of literary poison. We are called upon to regulate its sale. No exaggerated respect for principles of English freedom, totally unadapted to Indian surroundings, can justify us in allowing the poison to work its will." In conclusion he stated that no anarchical crimes would defer the proposed legislative reforms.

The Kankinara Outrage.

The immediate effect of the repressive legislation was that the *Yugantar* ceased to appear as a weekly paper written in Bengali, but on 20th June an English edition was published through the post giving the most elaborate directions for the manufacture of bombs and calling upon the natives to exterminate all Europeans by this means. By a strange coincidence there was a bomb outrage that night a few miles from Calcutta. At midnight a passenger train from Sealdah was drawn up just outside the Kankinara Station on the Eastern Bengal State Railway. In the second class compartment of a composite carriage were two Scotch mill operatives, Messrs, Brown and Campsie, and an Eurasian clerk named St. Romaine. Into this compartment a bomb was thrown through an open window by a man on the footboard. It struck Mr. Campsie on the right shoulder and exploded. The

carriage was returned to Calcutta immediately and the injured man taken to hospital, where his arm had to be amputated from the shoulder. It was found on subsequent examination that the bomb was loaded with spikes from a jute combing machine and flints, the explosive used being picric acid. Arrests were made of some pundits and a doctor of Bhatpara, but as there was no evidence to connect them directly with the outrage they were released on bail. The consternation created by this renewal of anarchical activity was intensified by the revelations of Norendra Nath Gossain, a member of the well-known Gossain family of Serampore, who was in the batch of prisoners taken in the Manicktollah Garden and who turned approver. He implicated prominent men in both Bengals and stated that Bengali anarchism ramified all over India. The police made numerous arrests on the strength of his evidence. On the top of this came the arrest of the notorious Maharatta agitator Bal Gungadhur Tilak on 24th June at Bombay for newspaper sedition. The quarter thus ended with a political horizon black with lowering clouds, which the hesitancy of the Secretary of State for India did nothing to disperse. He rated Lord Curzon and Sir Bampfylde Fuller for exposing the danger of the situation, and created among the Europeans in India a sense of insecurity and discontent by stating that Lord Minto was manfully carrying out his (Lord Morley's) wishes.

The Mohmands.

The Zakka Khels had hardly been brought to their senses when the Mohmands showed an inclination to try conclusions with the British arms. They were encouraged in this enterprise by large numbers of Afghans, who it is supposed were eager to avenge the insult put upon the Amir by the Anglo-Russian Convention. Sir James Willcocks again

took the field with a large force in the middle of April and advanced into the enemy's country. He was opposed at Shabkadr by the Mohmands and their Afghan allies and after some severe fighting he routed them. This practically ended the campaign. The Amir on a representation of the Foreign Minister recalled all his subjects on the pain of death and the Mohmands left to themselves soon gave in. The behaviour of our troops, English and Native, in the terrible heat of a Frontier summer was beyond all praise, and so was the skilful generalship of Sir James Willcocks.

Politics in England.

The political position in England underwent an important change during the quarter. In the beginning of April, Sir Henry Campbell-Bannerman resigned the Premiership owing to ill-health, and to the grief of the whole nation, died on 22nd April, a bare fortnight after he took leave of the cares of office. In the meantime, the King sent for Mr. Asquith who formed a ministry. Mr. Lloyd George became Chancellor of the Exchequer, Mr. Winston-Churchill, President of the Board of Trade, Mr. Runciman, Minister for Education, and Lord Crewe, Colonial Secretary. The other members of the Bannerman Cabinet continued in their places. Mr. Morley, much to the astonishment of his friends, accepted a Peerage and as Lord Morley of Blackburn continues to rule India on the most approved principles of philosophical democratism. Mr. Winston-Churchill had to fight two hard elections before he could remain a member of Parliament. Manchester rejected him, but at Dundee he found a haven. The Prime Minister introduced the Budget which was chiefly remarkable for a reduction of the sugar tax and introduction of Old Age Pensions.

Administrative Changes in India.

Sir Lancelot Hare, Lieutenant-Governor of Eastern Bengal and Assam, left for England at the end of April on six months' leave. The public was mildly surprised when Mr. Bayley, Resident of Hyderabad, was appointed to succeed him. On 1st June, the King Emperor's consent was received to the appointment of Mr. E. N. Baker as Lieutenant-Governor of Bengal n succession to Sir Andrew Fraser. At the distribution of the Birthday Honours on 26th June the new satraps were made Knights Commander of the Star of India. Sir Edward Baker has gone home on short leave and will return to take charge from Sir Andrew Fraser at the beginning of December. It is believed that Sir Lancelot Hare will retire at the end of his leave, and Sir Charles Bayley be confirmed at Dacca. Just as the quarter was going out, Mr. W. L. Harvey was appointed successor to Mr. Finlay as Member for Commerce and Industry; no appointment could have been more popular. It was chiefly due to his tact and *savoir faire* that an embarrassing strike among the Telegraph signallers was settled in April last. The signallers had been upset by an expert from England, Mr. Newlands, who sought to introduce revolutionary changes at a moment's notice.

Father Lafont.

The most famous name in the obituary of the quarter is that of Father Lafont, S.J., C.I.E., the Jesuit who devoted the best part of his life to the encouragement of the study of physical science in Calcutta. He died full of years and honours, beloved by every citizen of the great Indian metropolis.

Art. II.—MAHRATTA DOMINATION.

THE common notion still prevails that the English conquered India from the Mahomedans. But this is not in accordance with the facts of history. The Hindus had already asserted their supremacy over the Mahomedans, and weakened their power over large and important parts of the country before the English seriously entered the field of Indian conquest. This they were able to effect chiefly through the agency of two powers which, though widely separated, yet were unconsciously united by their one common aim of overthrowing the foreign power of the Mahomedans who had rivetted their yoke on their necks for centuries. The long and disastrous reign of Aurangzeb is mainly responsible for the rise of these two Hindu powers that of the Mahrattas and of the Sikhs, and it was his mistaken policy that moulded what had hitherto been but straggling and weak forces of these peoples into national powers, fighting not only for their political but religious existence, which that monarch had unwisely threatened with extinction. When to Akbar, the greatest of the Moghuls, had fallen the task of reconstituting the Mahomedan empire in the land weakened by long internal struggles under his predecessors, he very wisely tried to reconcile his Hindu subjects to the foreigner's yoke by a liberal policy of benevolent toleration of their religion and customs, and also of sympathetic encouragement, and thereby succeeded to a large extent in attaching them to his family and throne. But Aurangzeb departed from the wise ways of his illustrious ancestor, and tried to rule his Hindu subjects in the narrow spirit of a zealous

missionary of his faith rather than of a broad-minded and far-seeing statesman. The result was that, great as he was in several respects, he ruined the splendid edifice which Akbar had so laboriously raised, and by the end of his reign in the first decade of the eighteenth century it stood with its prestige hopelessly compromised at the mercy of its enemies.

Among the Hindus there were three peoples who possessed, each of them, something like a distinct nationality which under favourable opportunities was capable of achieving great things. Of these, the Rajputs had their day very early, and were played out. Though brave as lions, they had become incapable of uniting for a national purpose, and their patriotism was always confined to their clans, beyond which they saw nothing worth fighting for. The Sikhs are an example of what religious persecution could do to form a compact nation, and to develop some of its best qualities and ties. The severities of Aurangzeb and his successor in persecuting the followers of Nanak and Banda united the Sikhs, and inspired them with a fierce hatred of the Mahomedans which after two centuries is not yet quite allayed. They helped to weaken the Moghul Empire in the North, and when the time came they shared in its partition and raised their formidable power, which afterwards presented such a resolute front to the English, and which was the last of the country powers to submit to them, and the one to give them the greatest trouble and anxiety in subduing.

The Mahrattas were the greatest of the three Hindu peoples, and took the fullest advantage of the weakness of the Moghul power. They did not owe their rise so much to their intrinsic worth as to the

peculiar times and circumstances in which they found the country. Their country in the Deccan had been under the strong sway of the Bahmini dynasties of Bijapur and Golconda, and those Mahomedan kings ruled them for centuries with rather a light hand, leaving them something of autonomy in their provincial affairs. If these Bahmini kingdoms of the Deccan had been left alone, we would never have heard of the Mahrattas as a formidable Hindu power in the land, for they would have been left in subjection by their strong rule. But fortunately for them this strong rule of the Mahomedan powers in the Deccan was weakened by the policy of the Moghul Empire of the North. It was a fatal mistake, which ultimately involved the Empire in ruin, when Akbar committed himself and his successors to the conquest of the Deccan and the extinction of those Mahomedan dynasties that had so long ruled it on the whole well, and had kept down the Mahrattas and other subject peoples. This invasion of their independence by such a power as that of the Moghuls, strained to the utmost the resources of the Bahmini dynasties, and weakened considerably their power over their Hindu subjects engaged as they were for long in a life and death struggle with the invader. It was for the Mahomedans an internecine warfare which every true well-wisher of their supremacy in India had great reason to deplore. In this struggle, which lasted for over a century, both sides were thoroughly exhausted, and the Moghul power, which ultimately gained the upper hand, itself fell a victim to the great exhaustion caused by it. The Bahmini kingdoms fell one after another and and were incorporated into the Moghul Empire, and the dream of Akbar was fully realised by Aurangzeb

when the dynasties of Bijapur and Golconda became extinct in 1688.

But this conquest of the Deccan cost the Moghul Empire its existence. For during this long warfare rose the Mahrattas, who were ultimately to deal it a death-blow. While the Moghul and the Deccan Mahomedans were fighting it out, the Mahratta upon whom the hold of the latter, who had so long kept him in check, was naturally weakened, realised his opportunity and felt his importance. If the Kingdom of Bijapur had not to deal with the Moghul incursion which threatened its very existence, its resources would have sufficed to put down Sivaji, if indeed he had ever arisen then. But Sivaji, seeing that the best efforts of Bijapur were directed towards withstanding the Moghul attacks, quietly and steadily pursued his course of conquest, and began to carve a little kingdom for himself and his people out of the fast decaying Bijapur territories. He wisely made the Moghul play his game by ruining Bejapur, his suzerain power. By the time the Moghul obtained the suzerainty he had consolidated his power and become so strong as to measure strength with him too. He fought against Aurangzeb in his own subtle Mahratta way, never encountering his full forces, but always from a distance attacking them when divided, and entangling them in his own mountainous country. He knew his own strength and the enemy's weakness, and profited by this knowledge to the full. He harassed and wearied the Moghul army, hanging on its skirts and cutting off its supplies, never fighting a pitched battle but always engaging in guerilla warfare. He succeeded so well that in 1674, six years before his death, he crowned himself as an independent King in the face of the Moghul Emperor, whose great pomp and

circumstance he had witnessed during his short-lived stay at Delhi two years before. Thus Sivaji was able to found a kingdom at a time when Aurangzeb was bent on destroying the existing kingdoms, and when the work of conquering the entire Deccan was almost complete.

Sivaji died at the early age of fifty-three in 1680. He had founded amid arduous circumstances the power of the Mahrattas, but he had no time to consolidate that power and found a polity. He attempted something in this direction during the last years of his rule, but the times were too troubled and unsettled to benefit by that small attempt. If Sivaji had been succeeded by a genius like himself or by persons like the Peishwas Baji Rao the first and Madhav Rao, or by Nana Fadnavis, they would have built up a polity which would have endured and done much lasting good. But even then it is doubtful whether the Mahrattas could have ever developed a good system of government and administration. The genius of the Mahrattas is not for organisation and settled Government. They had a remarkable aptitude for predatory warfare, and this had full scope in the circumstances of the times. The anarchy caused by the wars of the Bijapur Government with the Moghul Empire was their opportunity, and they developed to the full their predatory instincts during it, attacking both parties by turns when convenient and expedient and yielding to either when it had the leisure which it could ill spare to deal with them in earnest. A power that rose under such circumstances, does not usually show capacity for well-ordered Government. Confusion is the element in which it flourishes. When times become settled the qualities in which it excels have no scope, and unless it develops new qualities to suit the changed

circumstances, it is bound to droop. This the Mahrattas failed to do, and their rule accordingly declined in the eighteenth century.

Sivaji had managed to consolidate his power before the Bijapur kingdom entirely vanished before the Moghul; and before Aurangzeb had leisure to turn his full strength against him. When Aurangzeb did find time for this and employed his forces against the successors of Sivaji, it was a very critical time for the Mahrattas, and for a period they retired altogether from Maharashtra southwards to Gingee in Tanjore. All the work of Sivaji seemed to be undone during this five years' campaign of the Moghul monarch in the Deccan. But Aurangzeb could not maintain the hold that he had gained owing to his exhausted resources, and the Mahrattas managed to escape the crisis by returning and evading the danger, as was their wont, rather than by incurring a crushing defeat by openly coping with it. Aurangzeb died in 1707, and Shahu, the son of Sambhaji who had been killed ignominiously by the Moghul, was released from the Imperial Camp where he was for eighteen years a prisoner, and sent back to Satara to be received as King by the Mahrattas. He reigned for forty years after that, an eventful period for Mahratta rule, for all real authority passed to his Chief Minister Balaji Wiswanath, and his son Baji Rao, the two first Peishwas, who revived the drooping power of the Mahrattas by forming the Mahratta Confederacy of chiefs which thenceforward played a prominent part in Indian history for over a century.

Under this Confederacy the local rule of the Mahrattas expanded into something like imperial rule, as it carried their power into remote provinces wrested from the feeble grasp of the dying Moghul Emperor,

who was a prisoner in their hands. This was outwardly a brilliant period for them, but in reality it exposed their inherent weakness in the work of Government and organisation of rule. The dismemberment of the Moghul Empire was effectively carried out by this Confederacy, as Sivaji had previously helped considerably in dismembering the Bijapur Kingdom. But when those fragments of the Moghul Empire passed under their rule and constructive work in administration was demanded from them, the Mahrattas were found wanting. They were a military people having no special aptitude for the work of civil administration. Even Sivaji, great as he was, could not successfully cope with the task of organising civil rule in his very small kingdom. He knew well the strong as well as the weak points of his people, and like the Emperor Augustus (*cf.* Tacitus, *Annales* I.-11 and II. 59), he very wisely advised his successors not to seek to enlarge his kingdom. The Mahrattas had much greater need of following this advice than had the Romans, who were an imperial race—*tu regere imperio populas Romane memento*,—which certainly the Mahrattas were not.

Yet the Peishwas and the confederate chiefs disregarded the advice of Sivaji, and in the first quarter of the eighteenth century began their imperial march which finally landed them into enormous difficulties, internal as well as external, and brought them into conflict with greater powers that ultimately overthrew them. Their power culminated in the fifties of the eighteenth century. Then they seemed to all outward appearance to hold Delhi and the Moghul Empire in their grasp, and were earnestly thinking of deposing the phantom Moghul Emperor and proclaiming the Peishwa as Emperor in his place. But in 1761, Ahmed

Shah Abdali invaded India and dashed like a comet into the Mahratta power and smashed it. Their success hitherto against the moribund power of the Moghul had made them reckless and so far oblivious of their weakness as to fight the first regular pitched battle in their history on the famous field of Panipat which has so often decided the fate of India. This disastrous third battle of Panipat broke the spell of the Mahratta power. Ahmed Abdali had dealt this blow to them, but cared little for its results, as he departed to his native Afghanistan as quickly as he had come, leaving Mahratta and Moghul behind.

But four years before Panipat, had been fought another battle in another quarter, which was still more decisive of the fate of the country and far-reaching in its consequences. The star of the English rose on the field of Plassey, before which those of the Mahrattas and the other native powers were soon to pale. Thence forward for nearly two generations the struggle for mastery lay chiefly between the Mahrattas and the English. The Moghul Emperor was a cypher, a helpless prisoner at his own capital of Delhi, first in the hands of the Mahrattas and then of the English after the fall of that Imperial city into Lord Lake's hand in 1803. The only Mahomedan power with which the English had to fight was the short-lived one of Haider and Tipu in the extreme south, and these princes never threatened English supremacy in the whole of India. The Mahrattas were the only people in the land at that time who seriously and persistently resisted everywhere the advancing power of the English. Their power, shattered at Panipat, had hardly time to recover when they had to meet the formidable rivalry of the English. After Panipat it may be said that their supply of great

men, generals and politicians, very meagre at the best, almost dried up. Madhav Rao, who was Peishwa for twelve years after the battle, and Nana Fadnavis, were almost the only men amongst them who sustained their great name in the latter half of the eighteenth century.

As is usual, they did not perceive the signs of weakness amongst them and became more ambitious. They underrated the power of the English and provoked struggles with them. Had they left them alone—as indeed the latter were desirous of being left alone—it is very probable their power would have lasted much longer, if indeed the two between them had not partitioned the country by arriving at a mutual understanding. Had there been a real statesman to guide their affairs in their latter days, he would have perceived the necessity of some such understanding with their powerful rivals and would have profitted by it. Nana Fadnavis seems at times to have seen this, and had he a free hand, he would have urged upon the Peishwa and the other chiefs of the Confederacy the wisdom of this policy. After Nana, even the little wisdom that appeared now and then in the affairs of the Mahrattas during their decadence vanished, and thenceforward the road to ruin was easy and clear under the fatuous rule of the second Baji Rao, who was destined to be the last Peishwa. That ruin would have come a little earlier if the far-seeing policy of the high-souled Wellesley had not been abandoned for a time by his immediate successors. However, an equally sagacious and spirited successor followed within ten years in the person of the Marquis of Hastings and the Mahratta Rule was extinguished on the fields of Kirkee, Korigaum and Ashta in 1818.

With the extinction of Mahratta Rule, the hope of any native power obtaining supremacy in the land and

overmatching the English vanished for ever, though the Sikhs afterwards made a stand in their own province how did the Mahrattas use their opportunities for doing good to the country when they enjoyed power, and how did their rule affect the peoples under them? These are important and pertinent questions which the impartial historian is bound to answer adversely to them. They were undoubtedly the best fitted of all the Hindu peoples and races to rule; but that ruling capacity was very narrowly circumscribed. Their rule never to the end lost the nature and character of its origin. It rose amid confusion and anarchy, and it always throve when these were rampant in the land. Nay, it often helped to make this political confusion worse confounded in order to create opportunities for itself. It made its way by plundering raids and this predatory nature clung more or less to it to the last. If they had a genius for rule, it was for ruling their own small and mountainous country, and even in this they were in earlier times divided among several feudal chieftains, independent of one another.

They had no genius for reorganising a vast imperial rule over several conquered countries and they made a fatal mistake in extending their conquests beyond Maharashtra into Hindoostan and in rivalling the Moghul Empire in its palmy days. Even in their own small territory the civil rule which Sivaji had taken so much pains to organise during the last few years of his short reign, speedily gave way under his immediate successors. Even of this civil rule most of its good and strong points were borrowed by Sivaji from the Moslem system of the Bijapur Kingdom. The Peishwas afterwards tried to renew Sivaji's system, but succeeded only partially. That disruptive tendency of the Mahrattas

which had raised in early times several feudal chieftains and which Sivaji had conquered for a time by his magnetic personality, again asserted itself, and after a time they were divided into several principalities, each pursuing its separate object regardless of the common good and only nominally under the hegemony of the Peishwa. The various chiefs composing the Mahratta Confederacy seemed incapable of making the sacrifice of their own personal objects and ambitions which a true Imperial spirit always demands. Even in their own Maharashtra their rule speedily degenerated, chiefly in the hands of the Brahmins who ruled in the very narrow spirit of their caste, engrossing all power in their own hands and degrading all the other castes in political importance, including the Kshatria, to which the Mahrattas belonged.

But in the conquered provinces their chiefs never seriously attempted to introduce settled civil rule. A writer does not exaggerate much when he says that "the territories which the Mahrattas conquered were considered as predatory acquisitions to be held only by the sword, for to the subtle and aspiring Brahmin war and plunder were the two great sources of revenue; hence the quartering of a Mahratta army in a province was more destructive than myriads of locusts or years of drought and pestilence, while of their rulers it has been aptly observed that their *musnuds* were their horse cloths, their sceptres their swords, and their dominion the wide line of their desolating marches." (M. Martin, History of Asiatic Colonies, p. 20.) The state of Malwa under the Mahratta conquerors, as depicted by Malcolm and his assistants, shows the defect of their system well. But perhaps the best illustration may be furnished by Gujarat, which fair and

fertile province was despoiled and plunged into anarchy by them, for more than half a century when the Gaekwar, one of their principal confederate chiefs, held it; and his rule was rather a system of organised plunder than administration.

It was far better for the provinces and peoples who had been subject to them that they passed under British rule. Mahratta rule was an anachronism even in the beginning of the nineteenth century, and it survived for eighteen years during it, chiefly through the mistaken forbearance of the power that has abundantly justified its conquest by nearly a century of benign administration. Those who know the character of Mahratta rule in India best will most dread even the possibility of its recurrence in the non-Mahratta provinces of India. Happily there is no likelihood of that. If, by a very remote and unforeseen contingency English supremacy were to be withdrawn from the land by the retiring from India of the present rulers, and the country were to be plunged again into anarchy from which they saved it, the Mahrattas might then find their opportunity again and be once more in their element. But *absit omen* will be the pious wish of not only friends of England but also of every true patriot and lover of India, need I add, of every patriotic—for now he as well as other Indians profess to live not only in his own little province but in all India—Mahratta also; because he must admit as the result of a study of his history and the character of his people, that they have not the genius for Imperial Rule, and without such genius no people can govern the vast countries and varied nationalities comprised in what is only geographically a country, but really a continent that is called India.

R. P. KARKARIA.

Art. III.—SCIENCE: ITS RELATION TO AND INFLUENCE UPON RELIGION AND MORALITY.

SCIENCE is the rationalisation of knowledge which is twofold, *à priori* or original to the mind and *à posteriori* or derived from experience. Scientific knowledge means simply that part of knowledge which is definitive and capable of accurate explanation. It is merely the crystallised core of the vague mass of indefinite and inaccurate knowledge. It reaches the highest or most strictly scientific stage when it admits of being stated in precise propositions of unconditional validity. Observation (including experimentation,) classification and generalisation are generally the processes employed in investigating the truths of science. To observe facts and their relations to each other, to arrange them in order and reach generalisation by induction from ascertained facts and ultimately to explain phenomena by deduction from general principles, constitute the business of science. Each science has for its subject some specified attribute or attributes of things which it undertakes to investigate and interpret. Proper treatment of our body and mind; due management of our affairs, whether private or public; proper utilisation of natural resources; in a word, how to live completely depends mainly on scientific knowledge. Science may be divided into three classes—Natural, Mental and Ontological or Speculative. The first and second deal with the Objective and the Subjective phenomena, the Material and the Mental world respectively. The third deals with the relations which transcend the facts of experience (*e. g.*, our relations to the absolute Being) and is concerned with nominal or real substance.

The utility of natural science in ministering to our physical comforts cannot be doubted for a moment. What a vast difference there is between men in their primitive state and those enjoying all the advantages of modern progress in knowledge of the necessary appliances of civilised life.

We are all indebted to science for our prosperity and advancement in life, for the preservation of our health and for the cultivation of our intellect. Its influence for good in the world of matter and mind is obvious, not calling for any detailed notice. All that we are concerned with in the present inquiry is its ethical efficiency which is not generally admitted. Ethics has been defined by Dr. James Martineau as the doctrine of human character. To interpret, to vindicate and to systematise the moral sentiments constitute the business of ethics. Considered as a practical science, moral philosophy embraces knowledge requisite for the guidance of human conduct. What is the ethical value of a knowledge of moral philosophy in particular and of science in general? Granting that scientific study is productive of moral value, the next question arises what is the test for distinguishing the morally good from the morally bad, *i. e.*, right from wrong.

This leads to an enquiry into the source of our knowledge of moral distinctions, that is, whether such knowledge is introspective or experiential—intuitional or developmental. The conduct of a human being is affected by his surrounding conditions, his opportunities and motives. Mere introspection is not sufficient to determine the objects with which he is confronted, the relations he bears to them and the dealings he can have with them. What those objects are that constitute the scene around him may be expressed in two words,

Nature and God, understanding by the former the totality of perceptible phenomena and by the latter the eternal ground and cause whose essence they manifest. The questions as to what they are and what exactly they have to do with man, cannot but affect the decision of what he ought to be. The order of enquiry with reference to Nature and God, on the one hand, and man on the other, is a point which has divided the ancient and modern schools of philosophy.

If we study first the former, we are apt to explain the human mind by their analogy and to utilise the conceptions derived from them for the interpretation of mental operations; but if we study first our own mind we rather believe what the soul says about Nature and God than what they have to say about the soul. The latter method of procedure makes man a free agent and therefore responsible for his deeds; the former makes man a necessary product of natural evolution—an efflorescence as it were of Nature and, therefore, irresponsible. The latter method is psychological and the former unpsychological. The unpsychological method may be of two kinds according as we begin by assuming real, eternal, intellectual entities and thence descend to the human world, or as we start only with phenomena and their laws. If the former, we have a metaphysical; if the latter, a physical system of morals. Hobbes was the representative of physical absolutism and Spinoza that of metaphysical. Auguste Comte's Positivism may be traced to the theory of Hobbes, while the theory of Spinoza survives in the School of Hegel.

Granting that we as moral beings are capable of moral law and of putting it into practice so as to realise virtue in our life, we have next to consider the metaphysical question, what is the ultimate ground or source

of all morality? In other words, what is the foundation of virtue? It is of essential moment to distinguish between the foundation of moral distinctions and the knowledge of them. These are two perfectly distinct subjects; the former is independent of individual nature, while the latter has to be acquired by each individual through his own reason.

We now proceed to consider the various points raised above or such of them as are intimately connected with the subject of our enquiry.

The Moral Influence of Scientific Knowledge.

Moral philosophy, furnishing us with a rational explanation of our moral relations, moral nature and moral relations is the best means we can make use of for improving our minds and gaining a true knowledge of ourselves and consequently recovering our souls out of the vice, ignorance and prejudice to which they are naturally subject. What strange disorders are caused in the minds of those men whose passions are not regulated by virtue or disciplined by reason! Without proper culture the latent powers of our mind and the excellencies of our hearts remain undeveloped. "What sculpture is to a block of marble, education is to a human soul. The philosopher, the saint or the hero, the wise, the good or the great man, very often lie hid and concealed in a plebeian which a proper education might have disinterred and brought to light."

According to F. D. Draper, the author of "History of the Conflict of Religion and Science," it is scientific education that is best fitted to discover to us a world of eternal truths—a world not to be explored through the vain traditions that have brought down to us the opinions of men who lived in the morning of civilisation,

nor in the dreams of mystics who thought that they were inspired. That world is to be discovered by the investigations of science and by the practical interrogation of Nature. These confer on humanity solid, innumerable, and inestimable blessings. Science only asks the right of adopting a criterion of her own. If she regards unhistorical legends with disdain; if she considers the vote of a majority in the ascertainment of truth with supreme indifference; if she leaves the claim of infallibility in any human being to be vindicated by the stern logic of coming events, the cold impassiveness which in these matters she maintains is what she displays towards her own doctrines. Without hesitation she would give up the theory of gravitation or undulation if she found that they were irreconcilable with facts. For her the volume of inspiration is the book of Nature of which the open scroll is ever spread forth before the eyes of every man. Infinite in extent, eternal in duration, human ambition and human fanaticism have never been able to tamper with it. On the earth it is illustrated by all that is magnificent and beautiful, in the heavens its letters are suns and worlds. It is commonly observed that ignorance is the mother of wonder—a vacant staring at an unusual and unfamiliar phenomenon. But this sentiment is the beginning of all knowledge and has in itself a function of the utmost value. Wonder, as Plato has it, is a truly philosophic passion; the more we have it, blended with reverence and with a clear open eye, the better. It fixes and concentrates our attention with great energy. Our thoughts generally wander; intruding thoughts generally call off the mind; but once let wonder be awakened with the curiosity which follows it and the intellectual powers are quickened. In its higher stage

it gives place to admiration which is directed to what is present in the mind and is its homage to the contemplated object.

The spirit of *Nil admirari* may be indulged in by a cynic or a captious critic but is highly incompatible with yearning after truth. "He who wonders not," says Professor Blackie, "largely and habitually in the midst of this magnificent universe, does not prove that the world has nothing great in it worthy of wonder but only that his own sympathies are narrow and his capacities small. It is by admiration only of what is beautiful and sublime that we can mount up a few steps towards the likeness of what we admire. To look with admiring rapture on a type of perfect excellence is the way to become assimilated to that excellence."

The sciences of the heavenly bodies and of the earth's crust, of the nature and properties of substances and their combination, of the laws of heat, light, electricity and magnetism, the sciences dealing with molar and molecular forces and those relating to the vegetable, the mineral and the animal kingdoms—all these sciences giving us an insight into the wonders of the creation, call forth our warmest admiration, prove that our knowledge of the wondrously fair and glorious works of the Creator is very limited, that like children we are still gathering pebbles on the seashore, that we are small creatures even the biggest of us, that we have very great reasons to be of a humble and reverential spirit, and that the admiration of science is a basis for the foundation of virtue and piety.

The discipline of science is superior to that of ordinary education because of the religious culture that it imparts. Morality is the practical part of true religion which is intimately connected with true science.

"True science and true religion," says Professor Huxley "are twin sisters and the separation of either from the other is sure to prove the death of both. Science prospers exactly in proportion to the religious depth and firmness of its basis. The great deeds of philosophers have been less the fruit of their intellect than of the direction of that intellect by an eminently religious turn of mind. Truth has yielded herself rather to their patience, their love, their single-heartedness and their self-denial than to their logical acumen."

The charge of atheism or irreligion is commonly laid at the door of science. A little consideration will show that so far from science being irreligious, it is the neglect of science which is irreligious—it is the refusal to observe and understand the properties of the wonderful phenomena, internal and external, which is irreligious. "Devotion to science," says Herbert Spencer, "is a tacit worship—a tacit recognition of worth in the things studied and by implication in their cause. It is not a mere lip-homage but a homage expressed in actions—not a mere professed respect but a respect proved by the sacrifice of time, thought and labor." Not only a religious frame of mind but moral discipline is the result of scientific study. Knowledge of every kind has two values—value as knowledge and value as discipline. Science not only stocks the mind with rational knowledge, which is superior to mere empirical knowledge, but the process of acquisition strengthens the powers and faculties of the mind. The laws of evidence requiring only such facts to be admitted as are pertinent or relevant, the rules of logic which require that correct conclusions are arrived at from well-established premises, the necessity of proceeding step by step in processes of reasoning or calculation, in order to solve

rightly mathematical or scientific problems, apart from their value as positive knowledge, generate an attitude of mind not to submit to dogmatic teaching. The habit of understanding the *why* and the *how* of things and their processes, produces that independence of thinking which is a most valuable element in character.

Nor is this the only moral benefit from scientific culture. It leads under proper regulation to perseverance, sincerity and love of truth. Speaking of inductive enquiry, Professor Tyndall says, "it requires patient industry and an humble and conscientious acceptance of what Nature reveals. The first condition of success is an honest receptivity and a willingness to abandon all preconceived notions, however cherished, if they be found to contradict the truth. Believe me, a self-renunciation which has something noble in it and of which the world never hears, is often enacted in the private experience of the true votary of science." The influence of science upon modern civilisation has been twofold—1. Intellectual, 2. Economical. Intellectually it has overthrown the authority of tradition. It has refused to accept, unless accompanied by proof, the dicta of any master no matter how eminent or honored his name. The scientific study of nature tends not only to correct and ennoble the intellectual conceptions of man, it serves also to ameliorate his physical condition. It perpetually suggests to him the enquiry how he may make, by their economical application, ascertained facts subservient to his use. The investigation of principles is quickly followed by practical inventions.

Knowledge of Moral Distinctions.

The knowledge of an action as fact is one thing; the knowledge of that action as right or wrong is another

thing. The former involves simple perception, the latter is attained only by comparison. Every accurate moral judgment affirms a particular application of a general moral truth. There are other judgments which apply a standard altogether adventitious, the result of agreement or of common association. Judgments of morality differ in this respect from judgments of measurement. The judgment that an extended body is a few yards long contains an element of truth dependent on common consent. In morality the standard of judgment is invariable, because independent of personal or national choice. In measurement the standard of judgment is variable, dependent upon national sanction. There may be various standards of measurement but only one standard of morality. Truthfulness and nothing else must be the standard of morality in utterance. Honesty and nothing more or less must be the standard of morality affecting property. It is, therefore, an essential feature of a valid moral judgment that it carry in it a general truth. The general truths involved in moral judgments are not generalised truths dependent for their validity on an induction of particulars; but self-evident truths known independently of induction. The rightness of honesty is not proved by an induction of particulars. But the conclusion that honesty is the best policy is essentially a generalisation from experience. The recognition of general truths or principles is perception or intuition of a higher order as the recognition of simple facts is perception or intuition of a lower order. Knowledge of the former kind implies direct insight into necessary truth. The power to recognise such self-evident truths has been named Reason or Conscience in contrast with Reasoning or Understanding. Kant, the leading champion

of an *à priori* philosophy, formally enunciated this distinction thus "Knowledge of a fact is knowledge by onlook; knowledge inferred is knowledge of one thing through means of another; knowledge of first principles is knowledge by insight into truth higher than fact." Conscience has been defined by Professor Calderwood to be that power of mind by which moral law is discovered to each individual for the guidance of his conduct. It is the reason as that discovers to us absolute moral truth—having the authority of sovereign moral law. It is an essential requisite for the direction of an intelligent free-will agent and affords the basis for moral obligation and responsibility in human life. "Conscience," says Joseph Butler, "is the moral approving and disapproving faculty—a principle of reflection or conscience."

Conscience is a faculty which from its very nature cannot be educated. As well propose to teach the eye how and what to see and the ear how and what to hear as to teach reason how to perceive the self-evident and what truths are of this nature. All these have been provided for in the human constitution. Moral training is something different from education of conscience. Personal attainment in the practical subordination of other powers to the authority of conscience is one thing and personal experience in the application of conscience is another thing. "Had conscience," says Butler, "strength as it has right, had it power as it has manifest authority, it would absolutely govern the world." Conscience being immediate knowledge of moral law is not dependent upon training for the discovery of such law, but training is necessary to be able to reduce moral law to practice. The diversity of moral judgments and sentiments among men is the main difficulty in

vindicating an intuitional theory of conscience and is the leading great objection of its opponents. The following explanation among others is offered in answer to such objection.

Men differ not as to the principles but as to their application in given circumstances. There is often great difficulty in deciding what is present duty when there is none as to what is morally right Hence it happens that there is much more diversity of opinion as to the dutiful in special circumstances than as to what is right in all circumstances. Men may agree that benevolence is morally right and yet may altogether differ as to the duty of helping a beggar. Diversity of opinion in this latter point, though it is connected with morals is not connected with the standard of morality. As there must needs be different degrees of culture among mankind and as they are not gifted with equal intelligence, their responsibility as moral agents would seldom be compatible with the infinite justice and mercy of God if their notions of right and wrong were to depend upon such training. It is needless to enter into any discussion on the Development Theory as to the source of our knowledge of Moral Distinctions as it has been found to be an exploded and untenable doctrine. The fundamental position of this theory is that all our most complex states of consciousness are merely developments under natural law from our simplest state. The mind as known in present consciousness is the general resultant of all previous experiences. It objects to the affirmation of original faculties of mind as explaining the states of consciousness. That a child is born with power of observation, reasoning and will is pure assumption. The Development Theory which seeks first to rise from sensation to intelligence,

endeavours next with the aid of intelligence to reach a knowledge of Moral Distinctions. This theory has been demolished not only by a critical examination of its own merits by competent judges but by the arguments advanced above in support of an Intuitional Theory of Morals. The theory of the greatest happiness of the greatest number propounded by Jeremy Bentham, the Utilitarian theory of J. S. Mill, the Sociological theory of Professor Bain, the Biological theory of Auguste Comte, etc., are the various phases of the Development Theory which have all been found to be insufficient or defective speculations as to how we come by a knowledge of right and wrong.

K. C. KANJILAL, B.L.

Art. IV.—HISTORY OF JOURNALISM IN INDIA.

IV.

I.—BENGAL.

THE burning question of Government relations with the Press* was studied with equal care by Lord Lawrence's successor, Lord Mayo. On the eve of his departure for India he discussed it with the Secretary of State, Sir Stafford Northcote, and W. W. Hunter's remarkable letter on the establishment of an official organ was mooted at the interview. But the result of the deliberation instead of taking shape of an official organ, went chiefly towards the addition of the Sedition Section to the Indian Penal Code, Section 124A. On his arrival in India Lord Mayo asked the Legislative Member of the Supreme Council, Sir James Fitzjames Stephen, to prepare a Bill to amend the Indian Penal Code for making penal seditious writings and speeches. On the 2nd August 1870, Sir James Fitzjames Stephen proposed the Bill at Simla. The members present at the Simla Legislative Council were the Viceroy, Lord Mayo, the Hon'ble John Strachey, the Hon'ble Sir

* In the biography of Sir W. W. Hunter we read on page 160 :—"The journalists who had offered so hearty a welcome to their colleague (W. W. Hunter) urged him (in 1868) to renew his connection with the Press. But on learning that the Bengal Government objected to his writing for the newspapers, he reluctantly declined their overtures. On Mr. J. O'B. Saunders' arrival in Calcutta which closely followed Hunter's, he obtained the removal of the interdict. The influence invoked was that of Mr. Saunders' old friend and kinsman, Mr. John Strachey (afterwards Sir John Strachey, G.C.S.I.). At this time he was Chief Commissioner of Oudh, and all powerful with the Viceroy, Lord Lawrence, who was closing his Indian career. Mr. Strachey already knew Hunter from his books, and the favourable impression was heightened by a close personal intercourse which dated from this period and lasted during the remainder of his stay in India. He espoused Hunter's views as to the necessity of concluding an alliance between Government and the local Press, and obtained Lord Lawrence's sanction to an informal arrangement under which the young leader-writer became the channel of communication between the two forces. The position thus secured was strengthened by the accession to power of the Earl of Mayo, an event which proved the turning-point in Hunter's life and enabled him to convert his splendid dreams into realities."

Richard Temple, the Hon'ble James Fitzjames Stephen, the Hon'ble B. H. Ellis, Major-General the Hon'ble H. W. Norman and the Hon'ble F. R. Cockerell. While moving for leave to introduce the Bill, the Law Member, referring to the Sedition Section said: "The next section was one which, by some unaccountable* mistake, had been omitted from the Penal Code as ultimately passed. It stood as Section 113 in the draft Code published in 1837, and Sir Barnes Peacock was quite unable to account for its omission when the Code was enacted. It punished 'attempts to excite feelings of disaffection to the Government,' but it distinguished between disaffection and disapprobation, and explained that 'such a disapprobation of the measures of the Government as was compatible with a disposition to render obedience to the lawful authority of the Government, and to support the lawful authority of the Government against unlawful attempts to subvert or resist that authority, was not disaffection,' so that 'the making of comments on the measures of the Government with the intention of exciting only this species of disapprobation was not an offence within this section.' Nothing could be further from the wish of the Government of India than to check, in the least degree, any criticism of their measures, however severe and hostile, nay, however disingenious, unfair, and ill-informed it might be. So long as a writer or speaker neither directly nor indirectly suggested or intended to produce the use of force, he did not fall within this section. This, however, must be coupled with a warning. The question on trials under this section would always be as to the true intention of a speaker or speakers, and this intention would have

* In the previous article I have shown why the Sedition Section of Macaulay's Code was omitted in 1860 from the Indian Penal Code. The omission was not due to a mere oversight as Sir James Fitzjames Stephen says later on.

to be inferred from the circumstances of the case. The most bitter and unfair criticisms published by a newspaper in the common course of its business, might be perfectly compatible with the absence of any intention to advise resistance to lawful authority. Language, temperate in itself and justifiable as far as the express meaning of its terms went, might, if addressed to an excited mob, be the clearest proof of an intent to produce forcible resistance to authority. Whilst genuine criticism had nothing to fear from the proposed section, persons seditiously disposed must not suppose that they could evade its provisions by confining themselves to what, under other circumstances and in other persons, might be genuine criticism."

No other member spoke and the motion was agreed to. On the 16th August, the Hon'ble Mr. Stephen introduced the Bill to amend the Indian Penal Code and moved that it be referred to a Select Committee with instructions to report in a month. He reserved his further observations till after the Select Committee's report. Two more members, namely, the Commander-in-Chief and the Maharaja of Jaipur were present on that day. The motion was put and agreed to without any other member uttering a word. The form given to the Section in the Bill was:—

124A. Whoever attempts to excite feelings of disaffection to the Government established by law in British India, shall be punished with transportation for life or for any term, to which fine may be added, or with imprisonment for a term which may extend to three years, to which fine may be added, or with fine.

Explanation.—Such a disapprobation of the measures of the Government as is compatible with a disposition to render obedience to lawful authority of the Government, and to support the lawful authority of the Government against unlawful attempts to subvert or resist that authority, is not

disaffection. Therefore the making of comments on the measures of the Government, with the intention of exciting only this species of disapprobation, is not an offence within this clause.

The statement of Objects and Reasons explained :—

Sections 121 to 130 of the Code deal with offences against the State. But no mention of seditious speaking or writing.

In the draft Code originally prepared by the Indian Law Commissioners, and published in 1837 appears a section resembling Section 6 of the present Bill, and its omission from the Code as ultimately enacted was due to a mere oversight. Attempts to excite disaffection to the Government by words or writing are now punishable only when they can be proved to amount to abetments of the offence of waging war against the Queen, and as this proof implies the actual existence of war, and must often be a matter of extreme difficulty, it seems desirable that some such provision should become part of the law of British India.

On the 30th August 1870, the Hon'ble Mr. Stephen simply presented the Report of the Select Committee. At the next meeting of the Council, on the 6th September, he obtained leave to postpone his motions regarding the Bill. On the 3rd October he "moved that the Bill to amend the Penal Code be re-committed." He said that he had not in any degree changed the views he had expressed upon the main provisions of the Bill in consequence of the criticisms which had been made upon them by the European and Native Press; but as the subject was an important one, and as certain amendments of detail appeared to be desirable, he made the present motion. He was determined to bring the matter forward at the earliest possible opportunity after the return of the Government to Calcutta, and on that occasion to state, in the fullest and most public manner, the reasons which led him to the introduction of the Bill and the objects

which it was meant to effect. When the Council met at Calcutta on the 18th November 1870, the Law Member presented the final report of the Select Committee saying the Bill had been much discussed and that he hoped to explain at a very early opportunity the policy of the Government in respect to it. Accordingly, on the 25th November, he moved that the final Report of the Select Committee be taken into consideration. Passing to the explanation of the fifth section which related to the exciting of disaffection he said: he thought that section had been very severely criticised, or rather it had been severely blamed, for of really intelligent criticism there had been far less than he should have been glad to see. He proposed to state generally the purpose of the section and how it affected that purpose. The object of the section was this. In connection with the preceding section it embodied and, he hoped, improved and condensed, the existing English law on the subject to which it related. It might be said of the Indian Penal Code in general that it was the English Criminal Law freed from the defects which from a variety of causes had affected it. By some means or other the Penal Code, as it stood, had entirely omitted that branch of the English Criminal Law which consisted of the Treason-Felony Act and the law relating to seditious words and libels. It contained no section by which you could punish conspiracies to wage war against the Queen or deprive her of the Sovereignty of British India, unless the conspiracy proceeded so far as to be followed by open acts or actual preparations for rebellion. But besides this the Code contained no provision whatever with respect to exciting disaffection by speaking or writing, and that, he said, although the

contrary had been asserted, was a great defect, and one which ought not to be permitted to exist in any rational system of criminal law whatever. The only means by which offences of that kind could be punished under the Penal Code was by treating them as cases of abetment. It might be said that if the speaking or writing went the length of advising persons to wage war against the Queen, it was abetment, and those who instigated the commission of the crime were abettors. In some cases it might be so, but in the vast majority of cases, he had no doubt, it would be otherwise: for the crime of rebellion, speaking broadly, was not a crime committed like theft, murder or house breaking, by one single act, done at one single moment, and proceeding from some one motive. It was, on the contrary, the result of a great variety of feelings excited in various ways, and therefore, if rebellion itself was to be regarded as a crime (and it was needless to argue with those who thought it was not), it was necessary to punish acts which led or were intended to lead to it even if they did not fall within those narrow limits within which abetment was comprised in common cases. It was necessary to have a wider definition of abetment in the case of rebellion, than in the case, say, of murder or theft, because the causes which produced rebellion were wide, and the acts were numerous and were spread over a large space of time. It was on these grounds that he said there was a serious defect in the absence from the Penal Code of all provision for the punishment of offences of this kind.

He then continued: the section now before the Council did not make it criminal to do things which people knew to be likely to excite disaffection. To punish the doing of an act which you knew to be

likely to produce disaffection might be to punish a man for doing an act which he had a right to do, although it produced disaffection. He could imagine many things which a public man might have a right to do, even at the expense of exciting disaffection, but which, nevertheless, should not be punishable. Then the section proceeded to describe the kinds of disaffection which it would be a crime to excite. These are such feelings as were likely to induce any portion of the people not only to resist, but to disobey the authority of the Government of India. That was carrying things a very long way, because the mere omission to do what you were told to do was disobedience. The mere non-payment of a tax is disobedience; and to punish a man for doing what was likely to induce people to disobey an unpopular law of any kind was far beyond what in his (Mr. Stephen's) judgment was desirable. In short, the Committee came to the conclusion that this clause was considerably more severe than the clause originally drawn by the Commissioners. That clause was greatly discussed at the time, and adhered to after careful discussion, and although he (Mr. Stephen) was not prepared to say that it was the best that could have been adopted, the Committee unanimously came to the conclusion that the best course was to leave it as the Commissioners had settled it. The clause was somewhat lengthy, but its substance was sound good sense. It provided that anybody who attempted to excite disaffection might be punished; but it insisted on the distinction between disaffection and disapprobation. It expressly provided that people might express or excite disapprobation of any measure of the Government that was compatible with a disposition to render obedience to

the lawful authority of the Government; in other words you might say what you liked about any Government measure or public man; you might publish or speak whatever you pleased, so long as what you said or wrote was consistent with a disposition to render obedience to the lawful authority of Goverment. Let it be shown that the matter complained of was not consistent with a disposition to obey the law; let it be shown that it was consistent with a disposition to resist the law by force; and it did fall under this section. Otherwise not. He now proceeded to assert that this law was substantially the same as the law of England at the present day, though it was much compressed, much more distinctly expressed and freed from a great amount of obscurity and vagueness with which the law of England was hampered. The proposed section says, if you excite feelings of disaffection, either by speaking or writing, you shall be liable to punishment, and the law of England says, in substance that if you yourself feel disloyal towards the Queen and show that feeling by any writing you shall be liable to punishment. The proposed section did not relate to a man's feelings or wishes, but simply to his writings or words, and the feelings which they were intended to produce in others. But the great peculiarity of the English law of treason was to regard every thought of the heart as a crime which was to be punished as soon as it was manifested by any overt act. That was the English law as it stood according to the Treason-Felony Act.

In answering the objection taken to the severity of the punishment he said that, "in criticising any provision of law, especially of the criminal law, credit ought always to be given to those who were to administer it for some degree of common

sense and moderation." Then quoting the defamation section of the Penal Code originating with Lord Macaulay he proceeded: he would ask His Lordship or any one of his colleagues, whether he could say that he had ever been to a dinner table at Calcutta, or anywhere else, where that law was not broken; where something was not said by somebody which conveyed an imputation concerning somebody else likely to lower his moral or intellectual character. Why, he saw before him those who were great masters of their pencil, and who had a power of representing persons in a manner which certainly would, by a visible representation or design, lower their moral or intellectual character; and by the Indian Penal Code any person who did this was liable to simple imprisonment for a term which might extend to two years, or to a fine, or to both. In no society in which he had ever been, or which he had ever heard of, would any person escape punishment if this law were carried out to its full extent, unless, indeed, he were the dullest of mankind. But severe as the law was, it was reasonably administered, and he did not think that private conversation or public writing on general subjects was, in point of fact, under greater restrictions in India than elsewhere. He mentioned this in connection with the section now under consideration of the Council, as showing that, in all cases, you must credit the persons who would administer the law with some degree of commonsense.

To meet the apprehension about malicious prosecutions, the Law Member explained: This, however, was completely answered by the provision that no prosecution should be commenced under this section except under the authority of the Government. That showed that this was a weapon to be used in no case

except where the peace of the country was, in the opinion of those who were put at the head of the Government, seriously endangered, and that was a very effectual check to prevent the law being used in an oppressive manner. Another objection was that the law punished intention, and we were told that the effect of it would be, that people whose intentions were innocent might be convicted. That merely amounted to saying that mistakes might be made; but that was the case with all laws. In the Penal Code, wherever you might refer to it, you would find that the intention made the crime. It was strange that that argument should be used, when it was considered that the Act which declared that the intention of the publisher of an alleged libel should be determined like other questions of fact, had always been regarded as one of the greatest triumphs of the popular cause in England. Finally he wished to observe that, if any one thought that there was absolutely no occasion for any law of this kind, he ought to look back to incidents* which happened not

* During the year 1868-69 the Government of Bengal were apprised that an active movement of some kind was taking place among the Mahomedans of the Wahabi sect in several districts of Bengal. On inquiry it was found that a *jehad* or religious war against the British Power had for some time been preached, and collection in aid of the Hindustani fanatics on the frontier made on a regularly organised system. From 12 to 15 agents were arrested and kept under detention under Regulation III of 1818. In connection with the measures undertaken for the suppression of these intrigues, it was considered whether it was not necessary to amend the law with the object of enabling Government to deal more satisfactorily with seditious proceedings not amounting to waging war against the Queen. In the opinion of the Government of Bengal, such an amendment was required to meet cases of seditious preaching such as had been alleged against certain of the Wahabis, and for which there seemed to be no satisfactory provision in the existing Code. The total number of persons arrested in connection with the Wahabi movement and detained as State prisoners under the Regulation was 26. At last they were brought to trial. The trials were held at Malda, Rajmahal and Patna. One of the prisoners, Haji Moniruddin, was acquitted. The prisoners tried at Malda and Rajmahal were Amiruddin of Malda and Ibrahim Mandal of Islampur, both of whom were convicted and sentenced to transportation for life with forfeiture of property. At Patna seven prisoners including Amir Khan and Hashmadad Khan on whose behalf Mr. Chisholm Anstey moved the High Court for a writ of *Habeas Corpus* unsuccessfully, were put on trial. Hashmadad Khan and Pir Muhammad were acquitted, but Amir Khan and the rest were convicted and sentenced to transportation for life with forfeiture of property. On appeal to

many weeks ago. A man was convicted and sentenced to transportation for life, substantially for committing the very offence at which this section was directed: he was preaching a *jehad* or holy war against Christians in India. He had carefully read the evidence and supposing it to be true, it proved that this person was in the habit for weeks and months and years, of going from village to village, and preaching in every place he came to, that it was a sacred religious duty to make war against the Government of India. Is that to be permitted, or is it not? If any one really meant to say that it was no crime to go into villages and tell the people that a rebellion against the Government was a sacred duty, he could not argue with such a person. But if such conduct was admitted to be a crime, he would ask any person who objected to the proposed section to frame a better one. Besides the man to whom he had referred, there were eight other men under commitment at Patna who were charged with very similar offences." The motion was put and agreed to. On a second motion the Bill was passed. The members of Council present on that day were the Viceroy, the Hon'ble John Strachey, the Hon'ble Sir Richard Temple, the Hon'ble J. Fitzjames Stephen, the Hon'ble B. H. Ellis, Major-General the Hon'ble H. W. Norman, the Hon'ble D. Cowie, the Hon'ble Francis Steuart Chapman, the Hon'ble J. R. Bullen Smith, and the Hon'ble F. R. Cockerell. No amendment was moved, and none of the honourable members except the member in charge of the Bill had any remarks to make.

the Calcutta High Court, the convictions of Amir Khan and Toborak Ali were upheld, but the rest were released. Amir Khan was a wealthy banker and money lender. He was released on the Proclamation of the Queen as Empress of India, 1st January 1877.

Thus the Wahabi Conspiracy of 1869-70 created the occasion for adding the Sedition Section to the Indian Penal Code and making penal all seditious writing and speaking. During the remaining short period of Lord Mayo's Viceroyalty which closed so sadly on the 8th February 1872, no attention was paid to the scheme for founding an official organ. Lord Northbrook succeeded Lord Mayo, and in his time the question of Government relations with the Indian Press was mooted with the Home Government with great earnestness. The occasion for discussing the vexed question again arose in this way. In the month of October 1873, Lord Northbrook announced a serious failure of winter crop rice, in Behar. Very soon the failure of crop led to a regular famine in Behar. The Viceroy came down from Simla to confer with Sir George Campbell, then Lieutenant-Governor of Bengal, on the means of meeting the crisis. It was about these means that a difference of opinion arose between Lord Northbrook and Sir George Campbell. The latter helped by the expert opinion of his Assistant Secretary in charge of the Statistical Bureau, the late Mr. Robert Knight of the *Statesman*, strongly urged that the exportation of grain should be prohibited during the period of scarcity, but Lord Northbrook vetoed the proposal and placed his Finance Member, Sir Richard Temple, to give effect to his own Famine Policy. As Mr. Robert Knight was then editing the *Indian Economist* as a subsidised Government paper, he naturally attacked the Viceregal Policy with regard to Behar Famine most outspokenly in the columns of the *Indian Economist* and brought serious charges against the financial methods of Sir Richard Temple. These free and outspoken criticisms in the columns of a subsidised paper and by a

Government official, greatly displeased not only Lord Northbrook, but also his Finance Member, Sir Richard Temple. On the 8th April 1874, when the Behar famine was furiously raging, Sir George Campbell who placed Mr. Knight in charge of the Statistical Bureau* and had great respect for Mr. Knight's economic knowledge, retired and was succeeded by Lord Northbrook's favourite minister, Sir Richard Temple, in the Lieutenant-Governorship of Bengal. Towards the end of November 1874, the Government subsidy to the *Indian Economist* was reduced by one-half, and in January following, it was stopped altogether. About this time Lord Northbrook deposed the Gaikwar, Malhar Rao, of Baroda, and a series of articles appeared in the *Indian Economist* criticising the Viceregal action. There was much plain-speaking in them and consequently the Viceregal wrath knew no bounds. In February 1875, Lord Northbrook demanded that the proof-sheets of the *Indian Economist* should be submitted to the Government before they were published. This led to an angry correspondence between Lord Northbrook and Mr. Knight, as the latter refused to comply with the demand and pointed out to the Viceroy that Government officials were entitled to own or edit whatever newspapers they pleased. Further correspondence followed, the result of which was that the Government of India agreed to purchase the copyright of the *Indian Economist* by paying to Mr. Knight Rs. 20,000. On the completion of the purchase, the

* The post which Sir George Campbell created in the Bengal Secretariat and gave to Mr. Robert Knight was an additional department of the Financial Department. Mr. Knight was an Assistant Secretary to the Financial Department of the Bengal Secretariat with special charge of provincial finance, agriculture and statistics. He was also in charge of the Statistical Bureau of the Lower Provinces. The pay was Rs. 1,000 per mensem without extra allowances.

paper was stopped* by the Government of Bengal on the 31st March 1875.

But Mr. Knight remained in Government service three months more during which Lord Northbrook sent an express order to Mr. Knight to cease all connection with the Press† even as a contributor, and when it was pointed out to him by Mr. Knight that he had no power to do so under the existing rules, he opened a long correspondence with the Home Government regarding the connection of Government officials with the Public Press. In June 1875, the Home Government agreed with Lord Northbrook in the desirability of forbidding official men to have any connection with the Indian Press, and on the 8th July 1875, the following notification appeared in the *Gazette of India* :—

Questions having recently arisen as to the extent to which officers in the service of Government are permitted to connect themselves with the Press, the Governor-General in Council thinks it desirable that the existing orders on the subject should be clearly understood.

1. No officer in the service of Government is permitted without the previous sanction, in writing, of the Government under which he immediately serves to become proprietor, either in whole or in part, of any newspaper or periodical publication, or to edit or manage any such newspaper or

* In November 1875 the Government of Bengal revived the *Indian Economist* under the name *The Statistical Reporter*, a monthly journal devoted to economic agriculture and statistical enquiries, edited by Mr. H. J. S. Cotton (now Sir Henry who succeeded Mr. Robert Knight as Assistant Secretary in charge of the Statistica Bureau. *The Statistical Reporter* ceased to exist in 1877.

† Immediately after the suppression of the *Indian Economist* on the 31st March 1875, Mr. Robert Knight became editor and proprietor of the two famous Indian weeklies, *The Friend of India* and *The Indian Observer*. On the 16th April 1875 the purchase of both the papers was effected by Mr. Knight, and on the 24th April the Serampur journal came out in Calcutta for the first time, amalgamated with the *Indian Observer*. As Mr. Knight was still then in Government service, Lord Northbrook clearly saw the danger, as also the frustration of his plan for preventing Mr. Knight from having any connection with the Public Press. Failing, he opened communication with the Home Government and got his above orders sanctioned by the Secretary of State for India.

publication. Such sanction will only be given in the case of newspapers or publications mainly devoted to the discussion of topics not of a political character, such for instance as art, science or literature. The sanction will be withdrawn at the discretion of the Government.

2. Officers in the service of Government are not prohibited from contributing to the public Press; but their position makes it incumbent upon them to confine themselves within the limits of temperate and reasonable discussion, and they are prohibited from making public, without the previous sanction of Government, any documents, papers, or information of which they may become possessed in their official capacity.

3. The Government of India will decide, in case of doubt, whether any engagements of officers with the Press are consistent with the discharge of their duties to the Government.

4. Nothing in this Resolution is intended to relax the provisions of any regulations on this subject which now apply to the army.

This resolution* superseded the notification issued in 1841 by Lord Ellenborough. In anticipation of this resolution, Mr. Knight resigned the Government service in June 1875. Besides the above action, it does not appear that Lord Northbrook did anything more to interfere with the Press.

* The most unfortunate victim of this Resolution was Lieutenant-Colonel John Macdonald of the Survey Department who had the manliness of exposing the maladministration in the Survey Department in two articles published in the *Friend of India* of the 17th and 24th June 1876 under the heading "The Survey Department of India." These articles were written at the request of the editor, the late Mr. Robert Knight, and appeared in the paper as editorials without the author's name. One of the many charges brought against the Department and which particularly gave offence to the head of the Department had reference to the third edition of the *Manual of Surveying* published in 1875 in the name of Colonel H. L. Thuillier, C.S.I., F.R.S., Surveyor-General of India. Some of the most valuable matter in this book was the work of an able Indian, Babu Radhanath Sikdar. In former editions this fact had been frankly acknowledged, but in the edition of 1875 his name and services were completely ignored. This was forcibly pointed out in the second article of indictment. Instead of visiting the editor of the *Friend of India* with punishment, Lord Lytton as a warning to all officials, suspended, in virtue of Lord Northbrook's above Resolution, Colonel Macdonald for three months, reduced him four steps in rank and ordered him not to be re-employed at head-quarters till Government should signify its pleasure to that effect. This took place in October 1876.

In the following year Lord Northbrook retired and was succeeded by Lord Lytton. The new Viceroy took the usual oath of office on the 12th April 1876. One of the first things that attracted Lord Lytton's attention on his arrival in India was the unsatisfactory relation into which the Government had fallen as regards the whole Indian Press. Without loosing time he asked his Private Secretary, Major Owen Tudor Burne (now Sir Owen Burne) to open correspondence with the greatest journalist of the day, the late Mr. Robert Knight, with the view of eliciting the best information for improving the relations then subsisting between the Government of India and the Indian Press. Major Owen Burne* wrote a confidential letter to Mr. Knight on the 7th June 1876, to which the veteran journalist replied thus :—

CALCUTTA, 31*st July* 1876.

DEAR COLONEL BURNE,

I must apologise for my long delay in replying to your confidential letter of the 7th ultimo, in which you are good enough to express your wish that I would state for the information of H. E. the Viceroy my views as to the relations that now subsist between the Government and the Indian Press and such re-adjustment of them as appears to me desirable in public interests. The subject is of so much importance, and I have so little leisure at command, that I fear I shall not be able to do justice to it, or more than state briefly the most prominent conclusions of my own mind concerning it.

The Government of India is necessarily a despotism, tempered only by the character of the men who

* In the *Memories* published in 1907 by Sir Owen Tudor Burne, there is no mention at all of his correspondence with the late Mr. Robert Knight about the Indian Press.

administer it, their accountability to the Home Government, and by the right of complete freedom of speech which has been accorded to the people. The State has conferred upon the people all the privileges of free men and in the conscious integrity of its purpose, has conceded the right of free speech in every part of the empire. In doing this, the State seems to me to have placed in the hands of the newspaper press a very responsible trust. It is not the place of the newspapers, I think, to be courtiers of the Government, but to represent the interests of all classes. And there is no country in the world, perhaps, in which it is more important that the Press should discharge this duty. But there has been a tendency of late years to less cordiality between Government and the Press than ever existed, and I do not think that it has been the fault of the latter. The Government is less ready than it formerly was, to avail itself of our help in the only way in which it can be given. As to the value of this help, Lord William Bentinck assured a deputation that waited on him at Calcutta many years ago "that he had derived more information from the Indian Press as to the real state of the country than from all the Councils, all the Boards and all the Secretaries by whom he was surrounded." Now no one will maintain that the Press is not more ably conducted to-day than it was then; but the Government, as a whole, has come to look with less magnanimity upon it, especially upon the communication of its servants therewith, and in particular upon any criticism of its proceedings or measure thereby. The change is for the worse altogether. To expect the Indian Press to be "official" is, I think, to mistake its trust; while if we exclude loyal and well-informed criticism from its columns, we must not complain if they

are filled with what is not loyal and is ill-informed. By drawing nearer to the Press, without any attempt to influence it otherwise than by sympathy, very much might be done, I am sure, to raise the character of the Vernacular Press, and certainly very much to improve that of the English papers.

It seems to me that under the system of administration we have established in India, the only right conception of the office of the Press is that of Her Gracious Majesty's *Opposition*, and whether that opposition shall be well-informed and loyal or the reverse, depends wholly upon the relations established therewith by the Government. If it shews sympathy therewith, admits it as far as possible to its Councils, places all the information it properly can at its disposal, shows a readiness to defer to public wishes and opinions when they are reasonable, and instead of regarding the newspapers as a natural enemy, treats the Press as an ally, actuated by the same desire as itself for the public welfare, and finally gives it such support and encouragement as it may reasonably look for,—the country may patiently endure the want of those representative rights that are so prized and cherished wherever they exist, but that at present are admitted to be out of our reach in India. If, on the other hand, the Government shows no sympathy, is jealous of all appearance of consulting it, excludes it from all information upon subjects of current interest, shows no deference to public wishes, however reasonable, looks upon the Press as factious and inspired by no real desire for the public good and gives neither the support nor the encouragement it might reasonably expect—then the want of representative institutions becomes unendurable, and the whole Press glides insensibly into an attitude of hostility to the Government.

I shall not conceal my conviction that we have been tending towards this state of matters for some years in India, and that it received a most unhappy development under the rule of Lord Northbrook.

At present there is not the slightest sympathy with the Press, nor the least disposition to assist it. Instead of any desire being evinced to conciliate its sympathies, it is made to feel that it is a matter of indifference to the Government whether it sinks or swims. Thus the papers are expected to publish gratuitously the notifications of the various departments such as the Post Office, the Commissariat Department, and the Customs and Opium Departments; and although it has been repeatedly represented that such notifications should be paid for as advertisements, and although the amount would be most trifling, the Government has refused to show even this small amount of interest in, or consideration for, the Press. I am persuaded that with the Vernacular Press in particular, a very trifling outlay in this way, would give the Government a hold upon the sympathies of its conductors, which, if wise, it would seize at once. Thus what could be more proper than advertising the Land sales of this province in its vernacular papers, putting them under a mild but effectual discipline in the matter, by giving them to understand that the Government was desirous of helping every journalist who honourably used his columns to promote honest discussion of public questions and maintained complete respectability of tone. But the Government practically treats the Press as though it were Bohemian, and in all passive ways, ignores and discourages it. The attitude is felt sensibly and calls forth a corresponding one on the other side.

Passing by these considerations, however, I come to the question of the footing upon which the Press should stand towards the Government as to the information communicated to it thereby. Under Lord Northbrook, the system was simply fatal. The almost open practice was resorted to of selling information to any journal that would give the Government support. No journalist of any self-respect will ever enter into a compact of this kind, while the paper that does prostitute its columns in this way, covers not only itself with odium, but the Government also. The Government must never condescend to buy public support. A strong Government will challenge it, and if kindly and sympathetic in its attitude towards the Press, will secure it.

To begin with, the Government does not sufficiently sympathise with the desire of the public for information. It must be remembered that we have no Parliament in India in which interpellations can be made to the Government, while the desire for information upon subjects of current interest is just as strong here as there. A disposition exists to make everything secret in India. The tendency has, of course, been inherited from the days when all Europeans outside the official class were looked upon as adventurers and interlopers, who knew nothing about the administration of the country and cared nothing about it so long as they were not interfered with in their own pursuits. But this state of matters has long passed away, and a very strong desire exists in the great non-official class of the country and in the educated native community, to understand both the principles and the course of our administration, our relations with the Native Princes and with the states beyond the frontiers. Every Government must, of course, have its *arcana* which it is

neither desirable nor wise to throw open to the public gaze, but the tendency in India is to make a secret of everything, and the general run of business is involved in a degree of mystery that is far from conducive to the public good. An "Editor's Room" was established some yeas ago in each of the Secretariats of the country and for a time valuable papers were laid upon the table, but the institution dwindled down into a mere sham, until the *pabulum* put on the table was not worth appropriating.

It seems to me most desirable that the Government should possess some means by which it might communicate to the Press as far as it may be prudent and possible to do so, the course of its proceedings, the information it is receiving, the views with which it is regarded, the purposes and desires of the Government and the special difficulties that embarrass its course. The practice of giving exclusive information on such subjects to any one journal, is sure to produce general dissatisfaction; while exact information is all that is wanted, nine times out of ten, to secure public sympathy and approval. I think there should be a special Press Bureau in the Government, the duty of whose chief should be to acquaint himself with the writings of every journal in the country. This would be easy enough with the English papers as they are not very numerous, and a practised hand would get the entire heart out of it daily in an hour's time. He will see from them what the course of public thought is on current events, on what subjects information is manifestly desired, on what questions wrong impressions are prevalent and what matters ought to come prominently to the notice of the Government. Having mastered their contents, it seems to be desirable that he should see

personally the head of every department, to consult with him as to the desirableness or otherwise of communicating with the journals on these subjects; while the Press should be invited to communicate with him freely on all questions concerning which they desire information. As the most influential native papers are published in English, they would be placed on the same footing, and daily bulletins would issue from the Bureau to all the journals simultaneously. There would often be nothing to communicate, sometimes a great deal, but nothing would tend more, I think, to the growth of sympathetic aud cordial relations between the Press and the Government than the establishment of a Bureau of this nature, under the administration of a man of broad views and general culture. He would be at once a sort of Dionysius' ear to the Government and the channel of free and unreserved communication between the Government and the People. The Vernacular Press ought constantly to be reviewed by him, through the medium of the provincial summaries into which their contents are translated. In the course of a very few months, he would know the exact character of every native journal in the country and would be able to advise as to the course to be taken towards the Vernacular Press as a whole. I believe the Government might indefinitely improve its character and settle its loyalty by a wise attitude towards it. A broad, sympathetic man really interested in his work, with the art of instilling good humour into his correspondence, would change the tone of the whole Press of India in six months, if he was really the right man for the work. All Press grievances should go to him, and if fitted for the task, he would quickly be on friendly and confidential relations with every editor in the country. I would

have no official *Moniteur*, nor anything approaching to it, but a *personal* bond between the Government and the Press. Everything, of course, will depend upon the *man* in the working of such a system. A cold and narrow official would fail absolutely: a broad genial man of sound judgment and commonsense would succeed absolutely.

To sum up. The Government should abandon its attitude of total indifference to the Press and should frankly recognise in it an opposition with which courteous and friendly relations were to be maintained; and in all reasonable and proper ways it should be recognised, honoured and assisted.

To establish and maintain such relations, I think there should be a Press *Bureau* administered by a broad and genial man, endowed with prudence and plenty of commonsense, whose special office it would be to invite the confidence of every journal in the country and establish friendly relations therewith It would be for him to communicate freely what information can be given them and to tell them frankly what it was deemed necessary to reserve.

I think that in the course of a very few months the Director of such a *Bureau* would become a real mentor of the Press and would succeed in reawakening those sympathies for Government which have been so largely alienated by its attitude of late years. There would be this great advantage in such a *Bureau* that it would divert from the shoulders of Government to itself nearly all the complaints and grievances of the Press, and a change of Director would be the "constitutional" remedy when their complaints and grievances attained a real magnitude. A *censor* we cannot have: the very name is fatal to all idea of sympathy, and what we want is, I

think, a mentor of the Press whose office it would be to evoke and maintain sympathetic relations between the Government and the Press by extending frank and cordial assistance to it. I do not think an official man at all likely to succeed in such an appointment, unless he is exceptionally broad indeed.

Apologising for the length to which my remarks have reached.

I am, My Dear Colonel Burne,
Yours faithfully,
R. KNIGHT.

P.S.—I purposely throw into a postscript one other remark I have to make, and that is with reference to the communications of Government servants with the Press. Twelve or fifteen years ago the Government looked with almost open favour upon its servants contributing freely to the papers, but of late years we have had a race of officials in high positions who have positively put a mark upon "the men who write to the papers" and have resented their doing so almost openly. I cannot too strongly express my sense of the wrong done to the country by this course Who will lead the *opposition* so loyally or to such good effect as the men who feel that they themselves are a part of the Government?

The above was the genesis of the idea of the Press Commissionership elaborated in 1877 by the late Sir William Hunter (then Mr.) and tentatively approved by Lord Lytton in that year. We now know for certain that at the suggestion of the late Sir John Strachey, then Financial Member of the Viceroy's Council, Mr. W. W. Hunter was asked on the 3rd February 1877 to prepare a plan for improving the unsatisfactory relations into which Government had fallen as regards the whole

of the Indian Press. On the following day Hunter submitted a project mainly based on Mr. Knight's idea, for establishing a Press Commissionership for the Viceroy's consideration, and Lord Lytton at once agreed to give it a year's trial as an experimental measure. The first Press Commissioner of the Government of India was Mr. E. Roper (now Sir Roper) Lethbridge. He thus tells the origin and growth of his great Commission:—"Hunter and I had frequently discussed the relations between the Indian authorities and the Press, which had been as unsatisfactory as they could be ever since the Mutiny. Editors had no means of ascertaining the views and wishes of Government, there being no such thing as Parliamentary debates or the right of interpellation in Council. Thus, with the best and most loyal motives, editors were entirely in the dark as to the course and significance of public policy, and had to rely for this sort of information on the merest gossip, picked up in the offices of the Secretaries or in the drawing-rooms of their wives. The *Pioneer* alone had, with infinite pains and ability and at a very heavy cost, worked up a close connection with many of the secretariats through the social life of Simla and had for some time a monopoly of the official information to be obtained in this way. Thus the belief grew up with some truth in it, that the Government was mostly responsible for the utterances of the *Pioneer*, and this was extremely inconvenient, for however loyally the *Pioneer* endeavoured to reflect the views and intentions of the Viceroy, the latter had, of course, no power to enforce his wishes being set forth or followed. Thus it came about that no one knew exactly where the so-called moral responsibility began and where it ended, what was official and what was not. The arrangement

also aroused the most violent jealousy on the part of the other great Indian newspapers ; and Hunter, as a part proprietor of the *Englishman*, was able to show the Viceroy how disastrous this sentiment might become. During the Bengal Famine of 1874, Dr. George Smith edited the *Friend of India* and was also Calcutta correspondent of *The Times*; and it was the opinion of many that his powerful criticism of the policy of the Government would have lost much of its asperity if he had been in closer touch with the Viceroy.

"Hunter as Director-General of Statistics was at that time (March 1877) engaged in preparing the *Imperial Gazetteer of India*, and he had obtained the loan of my services from the Government of Bengal to be placed under the Government of India in the Foreign Department for the purpose of writing the articles on the Feudatory States. This work necessarily brought me into contact with the Viceroy and the Member of Council in charge of the foreign portfolio ; and it was arranged that, while so occupied, I should also tentatively start the Press Commissionership, in order that the Viceroy and the Council might see how the plan worked before publicly committing the Government to its details. After a year's probation the Council unanimously decided that the plan had succeeded admirably, nearly every editor in India having pronounced favourably upon it. Into the details of that plan I need not go, as it would take too much of your space. But in its general principles it was simplicity itself. The Press Commissioner was the recognised intermediary between the Government and the Press, the editors being informed that I was authorised to address them on behalf of the Government, and also to receive and reply to all inquiries, complaints and interpellations. At first the boon was extended only to

the English Press and to Native Papers (such as the *Hindu Patriot* and the *Indian Mirror*) published in English, and I do not think that Hunter ever contemplated any dealings with the Vernacular Press. But gradually on my initiative, the latter was included, and I think that portion of the Press was the greatest gainer by its operations. It will thus be seen that the Press Commissionership in its origin had no connection whatever with the Vernacular Press Act. But as the office was already in existence when that Act was passed, and as the Press Commissionership was already in touch with all sections of journalism, it was resolved that questions arising under the Vernacular Press Act should be reported on by me.

"When my appointment was on the point of being abolished by Lord Ripon, a strongly worded petition was presented to him, full of gratitude for the work of the office, and earnestly begging for its retention. It was *signed by every native editor in India except two or three.* There were between one and two hundred signatures, including practically every native journalist of eminence—men like Kristo Das Pal, Norendra Nath Sen and Malabari taking the lead in this matter.

"On my retirement, the duties of the Press Commissioner were assigned for economy's sake to a subordinate of the Foreign Office, aided by a clever native gentleman* whom I had trained."

* Mr. C. E. Buckland, who was sometimes Press Commissioner, thus writes to me about the native gentleman referred to in Sir Roper Lethbridge's paper :—"The 'clever native gentleman' whom Sir Roper Lethbridge says he had trained, must have been Babu Kali Das Banerjee who was his first man ; I think the last in the Press Commissioner's *office*. Kali Babu died some years ago. He was quite a nice fellow, well-bred and mannered. He was somehow related to the Nadia Raj people. There is a man still living who would remember Kali Babu, *viz.*, one Fazl-ul-Karim, now high up in the Political Department in the Bengal Secretariat—a right good little man, quite one of the best. He was also in the Press Commissioner's office under me."

Mr. C. E. Buckland, who succeeded Mr. Lethbridge temporarily in 1878-79 as Press Commissioner and during whose tenure, a storm of virulent criticism arose against the utility of the institution, has given me the following account of the Press Commissionership :—

"In secretly starting the Press Commissionership the Government neither desired nor attempted to restrict the free play of public criticism, nor to obtain for its policy the support of a subsidized Press. Lord Lytton had only two objects in view, *viz.*, to seek relief from the embarrassment and danger of a public opinion or the appearance of a public opinion formed, whether in India or in England, on fundamentally false information or malicious apprehensions; and, secondly, to remove the prevailing acute irritability on the part of Anglo-Indian editors and journalists which predisposed them to attribute all Government action to foolish and evil motives. As he said facetiously, 'falsehood goes twice round the world while truth is putting on her boots. Our object is to give the truth a day's start of the lie.' That was, in brief, the sufficient reason of his measure. He aimed, therefore, at furnishing the Press with constant, timely and accurate information in order to minimize their ignorant and uninstructed criticism of Government and its measures. By degrees some of the Anglo-Indian and Anglo-Vernacular newspapers and a portion of the Vernacular Press entered into communication with Mr. Lethbridge, with a view to obtain the information on official matters which he was authorised to provide, as the recognised medium between the Press and the Government. After sufficient experience of the working of this tentative measure for over a year, the office of the Press

Commissioner was constituted and Mr. Lethbridge appointed to it in 1878.*

"But meanwhile the Vernacular Press Act IX of 1878† (an Act for the better control of publications in Oriental Languages) had been passed at a single sitting of the Governor-General's Legislative Council on 14th March of this year. The Press Commissioner was, therefore, required by the Government of India to undertake the establishment and conduct of relations between Government and the Vernacular Press. The Government recognised that in order that they should be able to enforce the Act with judgment and with a due regard for the rights of free thought and legitimate discussions, it was necessary for them to have the means of being kept fully and continuously informed of the tone and character of the utterances of the whole Vernacular Press with a view to exercising the necessary control, not only over the journals which came under the operation of the Act, but also over the action of the local authorities through whom its provisions were to be carried out. They also laid down that no repressive measures should be instituted under the Act without the previous sanction of the Supreme Government, and they required the Press Commissioner to keep them informed of the character and tendencies of each important vernacular journal and to be the responsible adviser of the Government in its dealings with the new law. To enable

* The Government Notification runs thus:—GENERAL, the 9th April 1878, No. 965 G.—Subject to the sanction of Her Majesty's Secretary of State for India, His Excellency is pleased to appoint Mr. E. Roper Lethbridge, C.I.E., to be Press Commissioner with the Government of India. Mr. Lethbridge is attached to the Foreign Department and will rank with Political Agents of the first class.

† As I wish to deal with the history of the Vernacular Press of India in a separate chapter of my book, I have purposely omitted here all details regarding the Vernacular Press Act of 1878. The relation of the Vernacular Press with the Government of India has not been touched upon in this part of my narrative, which is devoted mainly to the relation of the Government of India with the Anglo-Indian Press including newspapers conducted by Indians in English.

him to exercise these functions, the Press Commissioner was provided with an office establishment, including a staff of contributors for the purpose of translating important articles which might possibly appear to infringe the Act, or which might contain important criticisms or suggestions on the measures or proposals of the Government or its officers.

"The Government desired to take every legitimate means of helping the Vernacular Press throughout India, to inform itself upon the measures and proposals of the Government and upon the progress of such political events as could properly be made public. In short, the Press Commissioner was to be the recognised medium between the Vernacular Press and the Government charged with the duty of making himself thoroughly acquainted with the legitimate wants and aspirations of the Press, to receive and reply to references or complaints from editors, and, in a word, to act as the referee of the Press in its communications with the Government. Thus the Press Commissioner came to have two distinct functions: firstly, he had to supply the Press, Anglo-Indian and Vernacular alike, with such correct and official information as could be made public by the Government, whether spontaneously or in reply to references from the Press; and, secondly, to supervise on behalf of Government the working of the Vernacular Press Act.

"For a time the Press Commissioner's information was well received by the Press throughout India, but the office was always opposed by the influential newspapers which wanted a monopoly of important items of news and did not care to be furnished with such intelligence as could, in the opinion of cautious secretaries to Government, be safely put at the disposal of all journals.

In spite of the efforts of the Press Commissioner to supply interesting information, his communications were not unfrequently made the subject of derision. However, the existing arrangements were continued during Lord Lytton's tenure of office. On the occurrence of financial pressure in consequence of the Afghan War and unfavourable seasons, the office of the Press Commissioner came under review in 1880, and economy was effected by the abolition of his Translators' Department, so that the supervision of the Vernacular Press and of the working of the Vernacular Press Department was transferred to the Local Governments. The distribution of important information by the Press Commissioner was continued, but on the advent of Lord Ripon as Governor-General steps were soon taken to repeal the Vernacular Press Act of 1878 and strengthen the ordinary law of the Penal Code relating to seditious and libellous writing. When this was effected, there was not sufficient work left to occupy the whole time of a special officer. Mr. Lethbridge retired on pension, and the duties of the Press Commissioner in respect of the dissemination of information and replying to references from the Press, were made over to a subordinate officer of the Foreign Department. The importance of the appointment dwindled away, the information doled out became the subject of an official *communique*, and public interest in the office of Press Commissioner ceased. After an interval the very name of the appointment dropped out of sight. Notwithstanding the energetic efforts of Mr. Lethbridge and myself who acted for him for a year or more, to render it a success, the institution of a Press Commissioner required a more unanimous support than it received from the members of the Government and from the

Press generally to admit of its becoming a permanency. It was undoubtedly useful to the Press in facilitating their communications with Government and the publication of the best information available."

In 1879 during the height of the Afghan War, the Press Commissioner was virulently attacked by a section of the Calcutta Press for paucity of news from the seat of war. As a reply to these attacks against the institution, *The Times* then published an account of the Press Commissionership; it is believed to have been written anonymously by Sir W. W. Hunter. It runs thus:—"The Indian Press Commission is a small but useful department of the Government of India which has charge of all official relations with the Indian Press, both Native and English. There are in India at present about 200 newspapers published in the various vernacular languages—chiefly in Bengalee, Urdu, Marathi, Gujrati, Tamil and Telegu. There are also nearly 20 journals published in English, of which the chief are those of Calcutta, Bombay, Madras, Allahabad and Lahore. By far the most important part of the Press Commissioner's duties is that which is concerned with the Vernacular Press, and the Press Commissioner is the official primarily charged with these responsibilities. The office was established simultaneously with the passing of the Act after sundry tentative efforts in the same direction. It was evidently designed for the two-fold purpose—first, of enabling the Government rightly and fairly to superintend the working of the law; and, secondly, of affording to the Native Press all possible facilities for obtaining trustworthy information about public affairs and thereby anticipating and obviating all excuses that might have been offered for misconduct on the ground of ignorance.

"The Vernacular Press Act empowered the provincial governments to take repressive measures against such vernacular journals as might transgress certain very wide canons of loyal conduct and of political criticism; and the orders of the Supreme Government of India, approved by the Secretary of State, further required that no repressive measures should be instituted under the Act without the previous sanction of the Supreme Government in each case. It, therefore, became necessary, in order that the Government of India might be able to enforce the Act with judgment and with a due regard for those rights of free thought and legitimate discussion which every British Government has always jealously guarded, to provide means whereby the Government might be kept fully and continuously informed of the tone and character of the utterances of the whole Vernacular Press of India. This, then, is the first duty of the Indian Press Commission. The Commissioner is the responsible adviser of the Government of India in its dealings with the Native Press under the new law.

"The Press Commissioner is, secondly, the *vakil* or representative and advocate of the Press with the Government, and the referee to whom may be addressed all inquiries and the statement of all wishes or complaints. Heretofore the native editor had been placed in a position of much difficulty and had suffered from many disabilities. He was rarely personally known to any of the high officials of the land; he was unacquainted with the real opinions or the modes of thought of the ruling class; if a rumour reached him, there was absolutely no means by which he could assure himself of its truth or falsehood; if he misunderstood or misinterpreted the meaning or motive of any public

measure, there was absolutely no one to give him even a hint of his mistake, or from whom he could derive the slightest aid to a better understanding. There is in India no Parliament from whose debates he might learn some of the various bearings of public questions, no right of interpellation from which to obtain even the shadowy outlines of the truth regarding a fact or a measure. He might write to a Government Secretary or Under-Secretary, and would doubtless usually receive a civil and obliging answer, but it would obviously be difficult, if not improper, for officials thus privately and unofficially to commit their Government to any very definite statements about public affairs; and moreover, the Indian Secretariats are far too heavily worked to admit of such communications being ever carried as a rule beyond the narrowest limits compatible with courtesy. And, further, a certain indefinite obligation was often understood to be incurred by the reception of information in this way, and it may safely be presumed that the Government would, naturally and rightly, wish that all information given on its behalf to the Press should be given freely, without fear or favour, not as a matter of private obligation, but in recognition of the public importance of the dissemination of truth and the correction of falsehood. Hence the second duty of the Press Commissioner is to be the authorised medium of free and impartial communication between the Government and the Press, to receive and reply to references or complaints from editors, and generally to act as the official referee of the Press, to whom all applications may be made as a matter of public right, instead of private favour as formerly.

"The third part of the Indian Press Commissioner's duties relates to the small but highly important

and valuable section of the Indian Press that is published in English. With reference to this portion of the Press, the responsibilities of the Government are lighter, as it is affected by no special legislation; and so the Commissioner's duty in relation to it is confined to that of affording it the same facilities as are accorded to the Vernacular Press, detailed in the last paragraph. Long before the establishment of the present Press Commission, many desultory attempts had been made at various times and in a more or less informal manner, to improve the relations between the Government and the English Press in India. Ever since the time when Mr. Silk Buckingham, a Calcutta editor in the days of the infancy of the Indian Press, was deported by order of the Government, those relations have generally been somewhat strained and often really embittered. The fact is, the peculiarities of the country in its mode of administration and in various other respects throw many obstacles in the way of a newspaper adequately fulfilling the highest journalistic functions, without some aid from the official class. There is practically no professional literary class in India, then again, there are difficulties in obtaining perfectly trustworthy information, and difficulties in getting the information when obtained, adequately and impartially discussed, that are unknown in England. Nearly all events of importance originate with or concern the Government; nearly all measures of importance are initiated and discussed by the ruling body almost *in camera;* and consequently nearly all news of interest are official news. The attention of every successive Government had been directed to the discovery of some means whereby the evil of a chronic hostility between itself and the Press made more serious in

its public effects by the consideration just recited, might be mitigated. Hence when the legislation on the Vernacular Press rendered necessary some similar action with regard to that portion of the Press, the experience gained by these preliminary and desultory efforts was doubtless utilised in formulating the principles which are now applied in the working of the Press Commissioner's office. The department is subordinated to both the Foreign and the Home Departments of the Government of India, the Press Commissioner himself being graded as a political officer. Its total cost is stated at £4,000 per annum."

The derision with which the Press Commissioner's communications were received by a section of the Indian Press in 1879 found its vehement expression in the columns of the *Statesman*, then most ably edited by Mr. William Riach.* On the 5th July 1879 Mr. Riach

* Mr. William Riach came out to India about 1875 as a Professor of Mathematics in the Doveton College of Calcutta. In the beginning of 1877 he was brought within the personal influence of the late Mr. Robert Knight, then Editor and Managing Proprietor of the *Statesman*, and began to be trained as his possible successor. From an occasional contribubutor Mr. Riach became Assistant Editor of the *Statesman* towards the end of 1877 and in the beginning of 1878, when Mr. Robert Knight went on his tour in the North-Western Provinces to inspect personally the terrible famine that was raging there, Mr. Riach took the whole editorial responsibility of the paper. While Mr. Knight was away in the North-Western Provinces, Lord Lytton passed the Vernacular Press Act in a single sitting of the Supreme Legislative Council on 14th March 1878. Mr. Riach as editor of the *Statesman* warmly supported the enactment of the Bill to the surprise of all the Indian constituents of the *Statesman*. In May 1879 Mr Robert Knight left Calcutta for England to start in London a weekly edition of the *Statesman*, leaving the Calcutta paper with Mr. Riach as editor and Messrs. Nicholls and Company, Bankers and Agents, as his attorney and financial agent. Mr. Riach conducted the paper during Mr. Knight's absence with great ability. In 1879 he fought with the Press Commissioner as described above. All along he opposed strenuously the policy of Lord Lytton in India, as his colleague did with regard to Lord Beaconsfield's policy in England. In 1880 Lord Lytton resigned with the Home Government, and Lord Ripon succeeded him. When the latter entered on a series of internal reforms by repealing the Vernacular Press Act and introducing his scheme of Local Self-Government, he found a sturdy champion in the editor of the *Statesman*, Mr. Riach.

In 1881 a temporay embarrassment was occasioned to the *Statesman* by the failure of its financial agents, Messrs. Nicholls and Company. On the 8th February the insolvency of Messrs. Nicholls and Company was announced, and it was found by Mr. Riach that for the liability of the papers under his charge, which amounted to Rs. 1,50,000, besides arrears in their establishment, the papers had already been

severely criticised some of the Press Commissioner's communications by describing them as "fatuous flap-doodle." Both Lord Lytton and the Press Commissioner were incensed at this and they stopped all communications with the offending journal. The following official correspondence on the subject then took place between the Editor of the *Statesman*, the Press Commissioner and the Viceroy :—

PRESS COMMISSIONER'S OFFICE,

SIMLA, *11th July 1879.*

SIR,—I have of course seen the article in your issue of the 5th July. I am sorry that I should have troubled you with communications which apparently are not acceptable to you. For the future I will desist from so troubling you, as you can copy from other papers such communications of mine as you may think it worth your while to reproduce.

Yours faithfully,

C. E. BUCKLAND.

To the Editor of the *Statesman*, Calcutta.

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heavily mortgaged. On the 10th February the attorney for the mortgagees, Messrs. Roberts Morgan and Company, entered on possession of the whole concern and offered the property for sale. Thereupon Mr. Riach made an arrangement with the late Kumar Indra Chandra Sing of Paikpara to pay off the mortgagees and to continue the papers, the *Statesman*, the *Friend of India* and the *Indian Agriculturist*, under his general superintendence. The late Kumar became the sole mortgagee of the whole concern and virtually their proprietor. As Mr. Riach stated then, the embarrassment "did not arise from any financial unsoundness in the papers themselves," and hence he found no difficulty in removing it easily with the help of the Kumar.

In 1883 Lord Ripon introduced his ill-fated Criminal Jurisdiction Amendment Bill, otherwise known as the Ilbert Bill. Mr. Riach warmly supported the Bill and thereby incurred the displeasure of the whole of the Anglo-Indian Community. The *Statesman* as edited by Mr. Riach was denounced as a "native paper" by Mr. J. W. Furrell of the *Englishman*, and in the Town Hall meeting held to protest against the Bill, Mr. Keswick remarked that Mr. Riach's views on the Bill were "swayed by a native money-lender." But against immense odds Mr. Riach did not flinch from his duty. He did not move an inch from his original views, until the arrival of Mr. Robert Knight in Calcutta in April 1883, when the latter sought to make a compromise by changing the *Statesman's* views on the much agitated Bill. On the 1st August 1883 Mr. Riach's connection with the *Statesman* ceased. On the eve of his departure for home, an evening party was held at the Albert Hall of Calcutta in his honour in which all the most prominent Indians of the day were present. Returning to Scotland Mr. Riach joined the editorial staff of the Edinburgh *Scotsman*, where, I believe, he is still working.

The *Statesman and Friend of India*,
3, Chowringhee Road,
CALCUTTA, *16th July 1879*.

SIR,—I have to acknowledge receipt of your letter of the 11th instant, announcing your intention to desist from sending me further communications.

I have also to request that you will be good enough to submit the enclosed letter on the subject to His Excellency the Viceroy.

Yours faithfully,
WILLIAM RIACH,
Editor, *Statesman*.

TO THE PRESS COMMISSIONER.

P.S.—I should add that as it is the readers of the *Statesman* and not myself whose interests are affected by the suspension of your communications, I feel it my duty to publish this correspondence for their information.

From—The Editor of the *Statesman and Friend of India*.

To—His Excellency the Right Hon'ble Lord LYTTON, G.M.S.I.,
Viceroy and Governor-General of India.

CALCUTTA, *16th July 1879*.

MAY IT PLEASE YOUR EXCELLENCY,—

I regret that I am obliged to submit the following for your Excellency's information, and to request your Excellency to take action in the matter.

On the 15th instant I received a registered cover from the Press Commissioner, enclosing the letter copy of which is hereto annexed.

I considered it advisable to take no notice of this communication, feeling assured from the matter and manner of it, that it was not an authorised intimation of an order of Government, but that Mr. Buckland erroneously supposing that a personal attack upon him had been made in the article to which he refers, had been betrayed into addressing to me a threat which he had not the power to execute.

I am astonished to find that Mr. Buckland has actually ceased to send his communications to this journal, although

as it is not alleged that I have failed to comply with the conditions on which those communications are furnished to the Press, the Press Commissioner cannot have the power to withhold them.

I am, therefore, obliged to bring to the notice of your Excellency the action of the Press Commissioner in taking upon himself to withhold these communications because he disapproves of an article that appeared in this journal on the 5th instant.

I have also the honour to request that your Excellency may be pleased to instruct the Press Commissioner to send to me all official communications issued to the Press as heretofore.

I have the honour to be,
MY LORD,
Your Excellency's most obedient servant,
WILLIAM RIACH,
Editor of the *Statesman and Friend of India.*

GOVERNMENT HOUSE,
SIMLA, *21st July 1879.*

SIR,—Your letter of the 16th instant, forwarded through the Press Commissioner, has been placed before His Excellency the Viceroy.

His Excellency desires me to inform you that it is not without his concurrence that Mr. Buckland has ceased to supply you with information from the Press Commissioner's Office.

The article which appeared in the *Statesman* of the 5th July, certainly seemed to show that you placed no value on the items supplied to you. You can, therefore, hardly be surprised that His Excellency is of opinion that you should no longer be troubled with the receipt of matter, which you characterise as "fatuous flap-doodle," and which serves as a text for pouring ridicule on the source whence it is supplied.

I am, SIR,
Yours faithfully,
G. H. M. BATTEN,
for Private Secretary to H. E. the Viceroy.

WILLIAM RIACH, ESQ.,
Editor,
Statesman and Friend of India, Calcutta.

Statesman Office,

CALCUTTA, *28th July 1879.*

SIR,—I have received your letter of the 21st instant in which you state that you are desired by His Excellency the Viceroy to inform me that it was not without His Excellency's concurrence that Mr. Buckland ceased to supply me with information from his office.

The two reasons given by His Excellency for withholding the Press Commissioner's communications from the *Statesman* are:—(1) that the article in the *Statesman* of the 5th July seemed to show that I placed no value on the items supplied by the Press Commissioner, and (2) that these items serve as a text for pouring ridicule on the source whence they are supplied.

May I be permitted to reply briefly to this statement of reasons, in the hope that His Excellency may be pleased to alter his decision? It was stated in the last paragraph of the article referred to, that the criticism did not apply to *all* the items of news supplied by the Press Commissioner; and the object of the article, as indicated in the same paragraph, was to show that it was desirable either to abolish the Press Commissionership, or to curtail the expenditure upon it by restricting it to supplying nothing but really valuable matter to the Press. As I never denied that some of the items supplied were valuable, so I never hinted a wish that the *Statesman* should "no longer be troubled with the receipt of matter," which was being supplied to other newspapers. I hope His Excellency will be of opinion that after this explanation, the first reason is no longer valid.

In regard to the second reason, I am bound to admit that in criticising the work of the Press Commissioner I did employ ridicule. I regarded the Press Commissioner as a public servant, paid from the public revenues, and liable, like every other servant of the State, to public criticism and I regarded ridicule as one of the most effective weapons of criticism. I am convinced that His Excellency does not desire that the Press Commissioner should enjoy an immunity from criticism which His Excellency does not ask even for himself. But your

letter gives me to understand that His Excellency objects to the employment of ridicule in criticising the Press Commissioner, and in particular, to my characterising that official's communications as "fatuous flap-doodle." I am not prepared to defend the use of that phrase, and I am prepared to admit that ridicule, as employed by me, may be peculiarly offensive. I therefore beg to be allowed to withdraw the expression "fatuous flap-doodle," and to express my regret that I should seem to have employed ridicule offensively.

I am also ready to undertake if His Excellency will be pleased to instruct the Press Commissioner to renew his communications to the *Statesman* to do what I can to keep out of its columns all offensive ridicule of the Press Commissioner, and never to criticise his work except with perfect seriousness and propriety.

I request the favour of your placing this communication before His Excellency.

I am, SIR,

Yours faithfully,

WILLIAM RIACH.

G. H. M. BATTEN, ESQ.,
Private Secretary to
H. E. the Viceroy.

GOVERNMENT HOUSE,
SIMLA, *2nd August 1879.*

SIR,—I have received and submitted to His Excellency the Viceroy your letter dated the 28th ultimo, in which you state that you are ready to undertake, if His Excellency be pleased to instruct the Press Commissioner to renew his communications to the *Statesman*, to do what you can to keep out of its columns all offensive ridicule of the Press Commissioner, and never to criticise his work except with perfect seriousness and propriety.

In reply I am desired to state that on these conditions and the further one, that you will complete the publication of the correspondence, on this subject, by inserting in the *Statesman* copies of my letter to you on the 21st, your reply of the 28th, and this present letter, His Excellency will restore the

Statesman, to the list of papers to which the Press Commissioner is authorised to send information.

I remain, SIR,

Yours obediently,

W. RIACH, ESQ., Editor, *Statesman and Friend of India*, Calcutta.

G. H. M. BATTEN, *For Private Secretary to the Viceroy.*

From—The Secretary to the Government of India.

To—The Editor of the *Statesman.*

Dated Simla, the 18th September 1879.

Foreign Department, Pol.

SIR,—The attention of the Governor-General in Council has been directed to the article in the *Statesman* of the 11th instant commenting on a Press telegram received by you from the Press Commissioner.

2. The facts connected with that telegram are as follows :—The political officer at Ali Khel, telegraphed to the Government on the 9th September, that he had received a letter from a certain person at Cabul, giving the particulars contained in the telegram. It was, and it is impossible, to mention the name of the writer of the letter as his life would be endangered or a source of information closed were it known that he had been communicating with British officers, but the information which he gave was in almost his exact words at once given through the Press Commissioner to the Press for the benefit of the public, who would naturally be anxious to know any particulars in the possession of the Government regarding the attack on the Residency. The whole telegram was a simple statement of what the letter contained and did not purport to be anything else. Whether true or false, important or insignificant, the information thus given to the public was the latest and fullest received by the Government.

3. In your article commenting on the telegram, while professing to keep to your promise not to throw ridicule on the Press Commissioner, you proceed to say that "this telegram would furnish matter for abundant ridicule" and you add, "if the Press Commissioner, in the absence of any news to be

communicated with, had been told to sit down and concoct out of the materials already received, a message so many inches long to occupy the papers, and the public a little, and prevent them from thinking too much, this is the sort of passage that he might have produced." Again you say: "This Afghan has come upon the stage to efface a very unpleasant impression that the Press Commissioner had unfortunately created." These passages, and indeed the whole tone of the article, are calculated to suggest to the readers of the *Statesman* that the Press Commissioner's telegram might have been concocted for a purpose, and that it is not to be accepted as authentic and put forward in good faith.

4. The fact that the informant's name is suppressed, is made the subject of a series of sarcastic remarks, although the reasons for such suppression might have been supposed to be obvious, and ridicule is freely applied to every item of the telegram.

5. The Governor-General in Council is of opinion that this article is a distinct violation of the promise conveyed in your letter of the 28th July last to the Private Secretary, in which you voluntarily undertook to do what you could to keep out of the columns of the *Statesman*, "all offensive ridicule of the Press Commissioner and never to criticise his work except with perfect seriousness and propriety." As it was on condition of your observing this undertaking that the Press Commissioner was authorised to resume his communication to the *Statesman*, His Excellency in Council is now compelled to withdraw that authority, and, as you have already been informed by telegram, to prohibit further communications being made to you.

It is also observed that in the same number of the *Statesman*, you permitted yourself to insinuate that His Excellency the Viceroy's Private Secretary communicated information to the *Pioneer* before the Press Commissioner sent it to the Press; a charge which is absolutely devoid of any foundation.

I have, etc.,
(Sd.) A. C. LYALL,
Secretary to the Government of India.

From—The Editor of the *Statesman*.
To—The Secretary to the Government of India, *Foreign Dept.*

CALCUTTA, *24th September 1879*.

SIR,—I have the honor to acknowledge receipt of your letter of the 18th instant. An officially authenticated copy of that letter was published in the *Englishman* of the 23rd instant, and publicity having thus been given to its contents, I desire to reply to it as briefly as possible.

The Governor-General in Council has been pleased to consider that, in an article in the *Statesman* of the 11th instant, I violated the promise conveyed in my letter to the Private Secretary of the 28th July last. It is admitted that I professed to keep my promise, but three quotations are made from the article to prove the alleged breach of it. The first is a statement that the telegram on which I was commenting "would furnish matter for abundant ridicule." As I cannot suppose that this remark taken by itself, would have been regarded as "offensive," without ascribing an incredible degree of sensitiveness to the Governor-General in Council, I shall proceed to notice the second quotation which is substantially an assertion that the telegram contained little or nothing which had not already been communicated to the Press. The rest of the article was chiefly intended to show that this was a fact. The offensiveness of the assertion lies, I presume, in the form in which it was expressed. I said that the message was such an one as the Press Commissioner might have written had he been instructed to concoct it out of the materials already communicated, but I went on to qualify this statement by pointing out such parts of it as might be regarded new. That this criticism has proved "offensive" is unhappily a fact; as to its propriety I must leave the public to judge; that it was written in perfect "seriousness" and earnestness I can truly assert. The third quotation is a simple statement of a fact. The Press Commissioner had informed the Press that the mutineers burnt the doorway of the Residency "swarmed in, and up to the upper-storey, overwhelmed the defenders and sacked the Residency." He thus created the impression that the defenders allowed themselves to be chased up to the upper storey and there massacred. The

"Afghan," on the other hand, said that "the defenders, charging out sword in hand, were all slain;" and thus he actually did come "on the stage to remove the impression which the Press Commissioner had unfortunately created." I venture to say that in the whole of my criticism on the telegram, there is nothing which any English paper might not have written in commenting upon a ministerial statement or even a Queen's speech.

I shall now state what I considered as justifying me in making my criticism effective by saying that the message might have been concocted out of materials that were not new. I did not say that it had been thus concocted, because it was stated "Ali Kheyl, 9th September," and "Simla, 10th September." But on the 8th and 9th September the Press Commissioner had sent to the Press messages containing information which had been in possession of the Government at least as early as the 7th September, and which had, on the last mentioned date, been telegraphed from Simla to the *Pioneer* by its special correspondent. I refer particularly to the statements that the bodies of the envoy and his suite had been seen and that nine *sowars* had escaped. Both statements were telegraphed to the *Pioneer* on 7th September; the one was telegraphed by the Press Commissioner on the 8th and the other on the 9th September. I do not, therefore, consider that there was any impropriety in emphasising the fact that the information contained in the message, was not, in the main, new, by a pointed reference to the Press Commissioner's habit of sending out information which had been for some time in the possession of Government and had already been made public in a favoured journal.

The last paragraph of your letter appears to me to be entirely irrelevant. The insinuation complained of was not directed against the Press Commissioner. As, however, the Governor-General in Council has been pleased to inform me that the charge against the Private Secretary is without foundation, I am thankful for the information. I have already shown that information *was* communicated to the *Pioneer* before the Press Commissioner sent it to the Press. It would never have occurred to me that the Press Commissioner himself

was the *Pioneer's* early informant. Neither could I have supposed that the Foreign Secretary or any official having access to the Foreign Office would have violated well-known rules by communicating the secrets of the office to the *Pioneer*. It was, therefore, almost necessary to believe that the common rumour that Mr. Batten was the *Pioneer's* informant was true. This rumour had already found public expression in the editorial column of a Bombay newspaper, and it was the *Englishman* that first complained of the anticipation of the Press Commissioner's news in the columns of the *Pioneer*.

I am aware of the probability that the above explanations may not be regarded as satisfactory by the Governor-General in Council. If not, I shall regret it; but as I have nothing further to say, I have laid your communication before the Proprietors of the *Statesman* and shall leave it to them to take any action they may think fit.

I have, etc.
WILLIAM RIACH,
Editor of the Statesman.

It does not appear from the records that the Proprietors of the *Statesman* ever wrote to the Governor-General in Council with a view of regaining the privilege of receiving communications from the Press Commissioner. On the other hand, evidence is not wanting of their strenuous efforts to have the Press Commissioner abolished as an useless and expensive institution. In this they succeeded, for on the advent of Lord Ripon as Governor-General of India in 1880, the institution came under revision and practically ceased to exist as a separate department of the State. In the beginning of 1881, when Lord Ripon abolished the last vestige of the short-lived Press Commissionership, the following memorial signed by one hundred and twenty-four newspaper editors and proprietors, was sent to the Viceroy against the abolition, but without any success.

To His Excellency the Most Hon'ble the Marquis of Ripon, K.G., P.C., G.M.S.I., Viceroy and Governor-General of India.

May it please Your Excellency :—We, the Editors and Proprietors of Newspapers in India hereafter mentioned, published in the English and Vernacular languages, beg to present the following memorial to Your Excellency under the following circumstances.

We have heard, though we must admit that the rumour has not been duly authenticated, that it is under the consideration of the Government of India to abolish the office of the Press Commissioner.

Although we presume that Your Excellency is well acquainted with the facts which preceded the appointment of a Press Commissioner, still we think it as well to recapitulate in this memorial some of the chief reasons for the creation of such an appointment.

The idea of having an officer under the Government of India, whose duty it should be to communicate all items of public importance to the Press in this country, is no new one. It was first mooted when Lord Lawrence was Viceroy, but we are not aware that on that occasion the subject ever got beyond the stage of preliminary discussion.

Again, during the Viceroyalty of Lord Mayo, the question was discussed, but on this occasion it assumed rather a different form, the idea then being to establish a Government newspaper, through the means of which all important information might be made public. This, however, was not found to be possible as it was considered that such a monopoly would be unfair to the other newspapers in India, and that the discussion of Government measures in a newswspaper known to have the exclusive right to official information, would never be accepted by the public as free or unbiassed. The value of the special information provided would have made any such newspaper merely the mouthpiece of officials. This proposal, therefore, was never carried out.

During the Viceroyalty of Lord Northbrook, the proposed office was more than once brought forward, but nothing was done.

It remained for your Lordship's immediate predecessor, Lord Lytton, to establish the office of Press Commissioner. The duty of this officer was to be to supply all newspapers, English and Vernacular alike, with all information which it was considered important or expedient to furnish to the public, and it was to be the duty of all heads of offices to give such information to the Press Commissioner. With the unvarnished facts before them, it was felt that all public writers would be able to deal justly with the Government as well as their readers. So the office was established in 1877, the appointment being conferred upon Mr. Roper Lethbridge, a member of the Education Department, and fully competent to the discharge of the duties of such an office.

We would here beg to draw your Lordship's attention to the fact that the appointment of Press Commissioner was first created in the month of April 1877. We draw special attention to this fact because an idea has been frequently promulgated that the appointment was created in connection with the Vernacular Press Act No. IX of 1878, and that the Press Commissioner was intended to be a censor of the Vernacular Press. The dates of the creation of the appointment and of the passing of the Act will alone show that such could never have been the intention of the creation of the appointment, nor have we in our experience, extending to all parts of India, ever heard of a single instance of the Press Commissioner attempting to exercise such a censorship. Any prosecutions of the Vernacular papers that have taken place since the passing of the Act have always been by local officials. We have thought it necessary to bring this fact specially to the notice of your Lordship, as not only was the idea very generally entertained by writers for the Native Press in this country, but it has been also sedulously propagated by the opponents of the appointment, both in this country and in England.

We do not wish to occupy your Lordship's time by pointing out in this memorial the evils likely to arise from any competition to obtain Government secrets for publication by underhand means, whether by payment or by flattery. An official who can be bribed by either methods is unworthy of

Government confidence. Every Government in England supplies important information to the Press either generally or to its own special organs which are well known. It remained, however, for the Government of India to establish the precedent of supplying information to all papers whether supporters or opponents alike.

We would, however, specially call your Lordship's attention to the marked improvement in the Vernacular Press since the institution of the office of the Press Commissioner, a fact prominently noticed in several of the letters from the proprietors and editors of Vernacular Newspapers attached to the memorial. No longer dependent chiefly on bazar rumours for their information, the writers in the Vernacular Press are now able to discuss actual facts, and Government is thus provided with an opportunity of knowing the real sentiments of the people on all subjects of importance, a fact which is of itself sufficient to justify the retention of the appointment. The same argument applies, though, of course, in a less degree, to the English papers and the native papers published in English

We have as yet failed to see any valid argument brought forward for the abolition of the appointment. It has been said that the procuring of news should be left for private enterprise, and though this may be true so far as ordinary news is concerned, in the case of special Government news, it simply means bribery and corruption in some form or other which every Government must wish to prevent. The expense of the maintenance is but trifling, regard being had to the benefits mutually conferred and received by the Government and the Public.

In conclusion we would beg specially to draw your Lordship's attention to the letters from members of the English and Vernacular Press attached hereto, from which your Lordship will perceive that the expressions in favour of the retention of the office of Press Commissioner are almost unanimous from the entire Press of India, with but a few trifling exceptions.*

We would, therefore, humbly request your Lordship that the appointment of the Press Commissioner may be maintained

* The *Pioneer*, the *Civil and Military Gazette* and the *Statesman* did not sign the memorial.

and that all the heads of offices may be directed to supply the Press Commissioner without any delay with all important information which it may be advantageous or useful to the public to know, without revealing confidential communications.

[Here follow the names of 124 newspapers.]

In spite of the above memorial, the Press Commissionership was abolished in March 1881. On the 15th March 1881, the following intimation was given to the Indian Press by the Government of India about the abolition of the Press Commissionership :—

Calcutta, March 15th.—The Government of India has decided to re-organise the system under which official information has of late been distributed to the Press, through the Press Commissioner's office. In accordance with this decision, Mr. Lethbridge, the Press Commissioner, will retire from Government Service* from the 15th instant, when the new office arrangements will come into force, the distribution of news being carried on, as during the greater part of the last twelve months, through a department† of the Secretariat of the Government of India.

All communications should continue to be addressed—Press Commissioner's Office, Simla from the 15th March.

The following reply was given by His Excellency the Viceroy to the Memorial referred to above :—

GOVERNMENT, HOUSE,
SIMLA, *4th April* 1881.

SIR,—In my note of 15th January last I acknowledged the receipt of the Memorial forwarded in your letter of the 12th of that month, from Editors and Proprietors of Newspapers in India in favour of the retention of the Office of Press Commissioner. His Excellency the Viceroy regrets the delay which has occurred in sending a final answer of the Memorial. It has, however, been due, not to disregard of the importance of

* Mr. Lethbridge retired on a special pension of Rs. 4,000 per annum.

† A small establishment under the control of the Home Department of the Government of India.

the representation, but solely to the fact that owing to various circumstances, the final decision of the Government upon sundry unsettled questions of detail has had to be deferred. It has now been determined to reconstitute the office, and His Excellency authorises me to lay before you, for the information of the Memorialists, the following observations explanatory of the decision :—

The office of Press Commissioner was instituted for the purpose of facilitating the distribution to the public, through the Press, of information at the disposal of the Government. Other attempts in the same direction had before been made and had proved failures. In 1877 it was determined to try a fresh experiment, and a system was inaugurated which as pointed out in the Memorial, was of a novel and unprecedented kind. But it was from the first regarded as tentative, and it was felt that experience alone could determine how far it would fulfil, in its practical working, the objects for which it was instituted. When His Excellency arrived in India the system had been in operation for more than 2 years, and it seemed to him proper that its results should be examined with a view to determining whether or not any modification was called for. He found that the system seemed to be working satisfactorily so far as it went, but that the duties of the Press Commissioner were practically limited to the daily distribution to the Press of such items of official news as the Government thought expedient to publish, and that the scale of his salary, and the cost of his establishment were out of all proportion to the duties thus discharged. To an extension of the functions of the office there seemed to His Excellency substantial objections. The whole arrangement was, as before remarked, of an exceptional kind, and though the peculiar circumstances of this country may justify an exceptional treatment of the relations between the Government and the Press, and the expenditure of a certain amount of public money in supplying to the Press early information regarding the course of public events, yet such exceptional treatment ought to be confined within the narrowest limits compatible with the necessities of the situation.

Upon these grounds it was determined to reduce the cost of the service, and a proposal in this sense has been submitted to the Secretary of State and approved by him sometime before the receipt of the Memorial from the Press. Nevertheless the Government felt it was due to the influential expression of opinion which the Memorial conveyed, to give its representations full attention, but having considered these carefully it did not appear to them that they called for any serious modification of the course already decided on. For in reconstituting the office of Press Commissioner, it was not intended to withdraw from the practice of affording direct information to the Press, but rather to place the machinery for communicating such information on a proper footing as regards cost and organisation The highly paid appointment of Press Commissioner has accordingly been abolished, and the details of the arrangements by which the service will, in future, be performed are now engaging attention. In considering them, the wishes of the Memorialists will, as far as possible, be kept in view, and pending a final settlement, the arrangements which were in force during Mr. Lethbridge's absence on furlough, will continue in operation.

His Excellency trusts that from the above remarks the Memorialists will perceive that such changes as have been, or are being, made, had been dictated solely by a regard for public economy, and the best interests of the Press, and not by a desire to deprive the Press of the advantages which it has hitherto enjoyed, or which it may reasonably expect at the hands of the Government.

I am, SIR,
Yours obediently,
H. W. PRIMROSE,
Private Secretary to the Viceroy.

J. O'BRIEN SAUNDERS,* ESQ.,
Englishman Office,
Calcutta.

* Son of J. O'B. Saunders who purchased the *Englishman* in 1860. For an account of both father and son, the reader is referred to my articles headed the "Pillars of Indian Journalism," published in the *Journal* in February, March and April 1908.

Thus closed a memorable, though short, chapter of the history of the Indian Press opened by the brilliant Lord Lytton with the best of intentions. By abolishing Press Commissionership, Lord Ripon simply added another stone to the cairn of the abortive attempts made by successive Viceroys and Governors-General of India to improve the relations of the Government with the Indian Press. In the next article I shall describe how matters have fared since then.

S. C. SANIAL.

(To be continued.)

Art. V.—THE THREE BIG QUESTIONS.

AS the competitive essays, for which Mr. R. Laidlaw has offered a prize, are to be sent in on the 1st July, the date on which this number of the *Review* is published, no harm can be done to any of the rival essayists by the following attempt to consider briefly the three questions on which the competition is based. These are: I. Is it possible for the diverse races of India to become one united self-governing community? II. By what steps, and in what period of time, can this consummation be attained? III. How can encouragement best be given to legitimate political aspirations, and sedition most effectively suppressed?

I. While the tendency of any careful study of world politics is to promote pessimism, that of religious reflection is to encourage optimism. Answers to this question will generally suggest themselves to most minds according to the standpoint from which it is regarded. History teaches us that the Christian enthusiasm of the apostolic era washed out apparently inveterate prejudice from the proudest and most self-centred race and type of mind known to history, the Jewish. If a wave of Christian emotion, stirred by any people who were not actual conquerors of the inhabitants, and thus banded all their patriotic impulses against itself, had swept over India some centuries back, it is conceivable that the masses of this land might have been welded into a nation. No other single influence, certainly none entirely secular, is conceivable to which such a vast soul harmony could reasonably be traced; for, though there are numberless small platforms on which groups of persons

of differing races, creeds and heredity may agree to combine for short periods and for limited purposes, the distinctions which divide the various populations of India have invariably proved, and will probably always prove, too strong to admit of any such vast soul harmony as could alone inspire and sustain such a fabric as a united nation of over 300,000,000 people.

The enquirer who approaches such questions as this one, with the enquiry why, if God has made of one blood all nations of men that dwell on the earth, and blood is thicker than water, the blood may not be purged of the centrifugal forces which have filled it with separatist tendencies, and inspire it afresh with its original centripetal impulses, is—besides being pulled up with the experience of Babel,—met with a deeper philosophic difficulty in the suggestions of men like Mr. McCausland, who, arguing from the ineradicable differentiations of the four great sections of the human race, all of which have some representatives in India, concludes that the original story of the creation of a single man, as the progenitor of the whole human race is a myth, and that man must have sprung from four different and distinct stocks. This difficulty is described as a deep and a philosophic one—it might also be called a scientific barrier—not because the belief from which it starts, or to which it leads, need by any means be accepted, but because the facts which have been used to construct it are very striking and undeniable. So far as history can bear testimony, the human race is broken up into four great divisions, which possess their own distinctive features and qualities; and even those who may believe that all have sprung from the same stock are at a loss to understand the apparently radical character of their differentiations. What has produced

these differentiations, and what conceivable influences may eradicate them? They can be traced neither to climatic conditions nor to political environment, for they recur in spite of both. The mind is staggered, confining itself to natural as opposed to supernatural influences, at the task of even conceiving, still more of bringing about, any material conditions under which the influences which have produced such results may be counteracted. The peoples of India have possessed a grandeur of their own—several grandeurs for that matter—for though empires have risen and fallen in it, and civilizations of all sorts have clothed themselves in Indian garb, and attempts have actually been made to weld them into a whole, these all have signally failed. The reasons for expecting that the centrifugal and disintegrating forces, which have for centuries prevented the combination of the races of this land into one community may be overcome by unknown, if not unknowable material influences, which can neither be described nor imagined, are neither numerous nor convincing. They belong to a region of idealism in which beautiful pictures may be drawn that reveal no susceptibility of materialisation. The references made to material and natural as opposed to emotional and supernatural influences, in the preceding remarks, have not been casual or accidental. Their design, as may be conjectured from the allusion made to the dissipation of Jewish prejudices in the earliest Christian era, is, *firstly*, to point to some great religious obsession as the sole possible means of any real unification—a unification blotting out all subordinate, local or sectional interests, and first idealising and then realising a single great common end—and, *secondly*, to point out how difficult, though not impossible, the task has become. In its essence, all true religion has been

emotional and supernatural. It has surrendered reason to faith, and sought to bring divine into human relations. It is too late in human history to deny that, whether Christianity as taught by Christ be true or false, of all religions known to men, it has, so far as it has succeeded, gone further than any other in surrendering reason to faith, in bringing divine into human relations, and by the joint action of these two operations, setting up ideals, which, whether realised or not, are more elevating than any other known to man. Why, if such an elevating influence should, ex-hypothesi, be capable of producing such results, it has so largely failed to do so all the world over, must probably be owing to one of two causes or to the joint action of both. On its charter, Christianity would seem to be a way of life which, powerfully revealing itself to individual consciousness, transforms it, without of necessity involving any external change except in conditions which are hostile to its essential tendencies. Apparently, this result of Christianity in the individual, when effected, does generally appeal to or strike the observer; and if such a change of life was to progress among communities, it obviously could only do so by what is described as individual witness-bearing which should prove irresistible. But this is not the place to elaborate doctrinal theses. There seems to be another cause of the failure of Christianity to accomplish much that it might have secured in India, which demands closer attention than it has received from religious politicians. The Rev. Lal Behari De, author of *Govind Samanta* and one of the profoundest of thinkers and most candid of speakers, publicly declared that, in his belief, the country would sooner be converted by German or French than by British missionaries, not because of any personal virtues or

defects, but because the British were conquerors of the country, and the underlying inherent patriotism of the Indian, expressed or unexpressed, was arrayed against his conquerors. This touch of human nature, which should have made the whole world of thoughtful and candid students of Indian phenomena kin, has fallen flat on dull ears, until bombs have wrung distorted echoes from a sound which might have been and might yet be courted back into the highest harmonies.

II. It is useless to speculate in what period of time any great consummation can be brought about which depends, to a certain extent, secondarily if not primarily, on variable human agencies. If it should be true, as has been suggested, that only some deep soul-stirring bond of union such as a common and an elevating religion could ever unite such broken fragments of humanity as the various races of India into a sentient and harmonious whole, this truth is not antagonistic to subordinate methods of predisposing people towards any such designed end. First, amongst all means and methods of raising man, stands education, or the leading out of the mind into true relations with the world. If it is undeniable that the great despatch of 1854, well styled the charter of Indian Education, contained great promises which have not been fulfilled, this result can only have come about from some miscarriage of its true purposes in the hands of the agencies to which those purposes were entrusted. No honest student of the despatch has denied that it was designed to educate the whole people of India, to let light into their darkness. Its methods were primary education for the masses and secondary education for such as needed to be encouraged and to be taught how to set up their own institutions. There is no evidence in the despatch that primary State

education was intended to be temporary. There is ample evidence that secondary State education was. This is not the place to fulminate anathemas against any authors, real or supposed, of obvious miscarriages. But it cannot be gainsaid that, while higher education, and that of a mischievous kind, setting up the passing of examinations in the place of mind development, has been encouraged at an expenditure out of all proportion to its claims, the primary education needed to emancipate the masses has been lamentably neglected. Early in the history of the British exploitation of Indian public education, the sad mistake was made of imagining that any foreign language could ever be the medium through which so vast a population could be raised. Nearly twenty years ago, in a gathering of persons interested in religious movements, a declaration to the effect that the problem of educating a nation was solved at Pentecost—when a divine influence, instead of inspiring an audience with a knowledge of Hebrew or Aramaic, inspired a number of men with a knowlege of several different tongues in order to qualify them to speak to listeners from various countries, in their own language—was greeted with a contemptuous laugh. He laughs best who laughs last. To-day, it is being more and more clearly realised that, if Britain is ever to raise the masses of this country, it must be by schools in which their children are taught in their own tongue. The absurd plea that Indian languages are not capable of rendering scientific terms —invented by persons who, wanting the gift of learning languages, and thereby proving their own incapacity for the highest efforts of instruction—has now been thoroughly discredited. It may be that if instruction is in future imparted in the vernaculars in all primary schools

and middle schools, and even in some of the higher schools where English may well be taught only as a foreign language, two great preparatory results may be brought about. In the first place, teachers mastering Indian languages will not only strengthen their own intellectual fibre, but be insensibly drawn nearer to the people. In the next place, Indians, hearing the language in which their tenderest and most sacred associations have been expressed from childhood, addressed to them by foreign teachers, will be drawn towards their teachers as never before, and in a manner otherwise impracticable. Thus a moral foundation will be laid for those exchanges of mutual interest, from which alone great results can be expected. The change here advocated would of course necessitate a revolutionary recasting of what is known as the Education Department, whose vested interests may be found to stand in the way of this and many another obvious reform. But the question now, with the miscarriage of past State Education facing us in its unlovely results, is whether the people of India are to be saved from the results of our mistakes as well as their own; and whether any limited vested interests can be allowed to stand in the way.

It seems to be highly probable that, while many naturally great Indian intellects have proved their own native worth in spite of our system of education, that system, by dangling false analogies before mediocre minds, may have produced that want of a sense of proportion which seems so characteristic of some modern Indian political aspirations. The claims commonly put forth for a greater share in the administration of the country—in which, as regards all but the highest spheres, Indians already possess a larger share than any other

class—overlooks the indefeasible right of the great masses (for whom their own middle and higher classes have done absolutely nothing) to be provided with the very best type of public officers for whom the country can afford to pay. The Indian graduates and under-graduates who have issued in thousands from our universities possess many estimable qualities, but nobody who knows them well, even though he may love them sincerely, will maintain, either that any number of them, who could be provided for in the public services, would make better officials in most respects than British officials, or even that the masses of their own countrymen in the interior would trust them more. The political influence, which it is supposed that the fuller employment of Indians in high offices would bring to the support of the British Government, is one of those shadowy gifts which had better be divested of its obscurity and reduced to its true proportions, and measured in its true perspective. The only class who possess any real influence among the masses are natural leaders in the mofussil, whom the greatest difficulty would be experienced in moulding in our precise administrative forms and methods. The city educated men, who make inconsiderate claims in newspapers, are unknown out of large cities, have no influence whatever among the masses, and are sometimes looked upon by the conservative rural classes as a kind of hybrid foreigner. But even though it were otherwise, the number of administrative posts that could be conferred on them, if they entirely or largely displaced British officials, would be so small in proportion to their whole number that any political influence secured by their advancement would be as a drop of water in an ocean. It seems almost an elementary lesson of political morality

that, so long as British Rule is necessary for the Indian masses, the majority of responsible offices in the higher administration must be held by British officers, in simple justice to the masses; and that the only way in which Indians can best serve their country, if they do not enter the Civil Service by its open door, as some have done and more are doing, is by engaging in commerce and mechanical industry, and accepting honorary office in Local Self-Government. Whether in Britain or in any European country, the number of persons in official employ in the public service is small in comparison with the number who make their way in life in other careers; and the misled youth of this country have yet to learn that the truest patriotism is exhibited in independent careers, which serve to raise the whole character of a people, rather than in selfish clamourings for appointments which afford far fewer and less fruitful opportunities of serving the country than independent careers. It is therefore surely only in opening more honorary offices for our Indian fellow-subjects, wherever they showed greater aptitude for it than is generally yet displayed in most municipalities and Local Boards, that their future lies. Public Life in Britain has come to mean a Parliamentary career; but that is surely so only or chiefly because, before a great many of the members of the House of Commons enter the House they have made for themselves reputations in independent careers, of which the successful entrance into Parliament, if not exactly the crown, is the ledge or foundation on which the crown has to be reared. Men fulfil or belie the promise of a past life after entering the House.

III. To consider fairly, tenderly, even affectionately, how legitimate political aspirations may be encouraged, and sedition suppressed, one has to begin at the

beginning and weigh what these terms mean What is a legitimate aspiration in India and what is sedition? If true ideals of patriotism had been set up before Indian students instead of their being allowed to mould inappropriate ones from the false analogies of foreign literature, which reflects little that touches or enters into the life of Indians, is it unwise to say, even in the present temper of many young Indian men, that they would have been different from those which they seem to be striving to realise? True public life is denied to no man who is fairly intelligent and has formed a character. The agnostic of the day may scoff at the idea, but there is something alike utilitarian and beautiful at the bottom of the hypothesis, which some consider a great truth, that if the world and its phenomena, including all human and national experiences are not mere accidents, the sport of chance, or of unknown law, and there is at the back of Things a great Thinker with a purpose in every individual life, no life can be successful which thwarts that purpose. The key to that is surely the discovery of the highest duty possible to any one in any sphere of life. To say that this ideal is not realised in the most civilised countries is to say little to the point, if there is no reason why it should not be. One of the first propagators of Christianity found such a successful student in a Roman Centurion, whose desire to do right he treated as the proof of his acceptance of the great purpose of his life. The lesson of this striking picture is that in every nation, among any race, any man may desire to find the true purpose of his life, and, if he succeeds will be a great success. This is not religion—or not religion alone—it is practical politics. If the suggestions contained in the preceding observation form any approach to the truth, and independent

careers would have furnished the firmest foundation on which any sound political aspirations could be based, the blame of the wrong equipment in which Indian youth have been armed may lie with whomsoever it may, the future of every man is in his own hands. If it is futile for Indian patriots to clamour for power, on the false plea that it would be a sign of the emancipation of their countrymen from a foreign bondage—which affords them greater freedom than their ancestors ever enjoyed—politics ought for ever to be excluded from the horizon of immature Indian youth, who ought to be taught that, though we are all human, and mixed motives will always sway our actions, and selfishness perhaps never be wholly excluded from them, yet, the man, in whose forecast for the future, selfishness forms the largest element, and self-advancement under the pretext of freeing his country, regardless of all the history which belies his professions, and the experience which contradicts them, is the worst enemy his country could have. Eton and Harrow may not actually hold the fields on which the battles of the world have been fought and won; but between them and the historic universities character is developed in a way which no pretence of imitating has ever been made in India by either teachers or taught—as a rule. No student, who has the better class of books of all countries within his reach, Ruskin's and Carlyle's among the rest, can well lay on the indifferentism of his foreign teachers the whole blame of his own failure to detect where he has been fed on saw dust and where on wholesome food. Why an Anglican Bishop was persecuted and recalled for recommending the introduction of the best Book ever written into Indian schools is an inexplicable mystery. In the transition stage of Indian society brought about by an unwonted

freedom, naturally tending to license, and with the contact of different standards of living, encouraging young men to ape the superficial manners and sometimes also the clothing of foreigners, it is impossible to define sharply what aspirations of a confused state of moral and social consciousness are legitimate and what illegitimate. This is a case in which nothing succeeds like success, and in which a man who allows eager and strong desire to serve his country to permeate his desire to serve himself, may prove the truest friend and servant of his country and his race, be he a Municipal Commissioner, a Deputy Magistrate or a China Bazar shopkeeper No worse ignis fatuus could lead any man into worse quagmires than political aspiration not instinct with desires containing some strands of unselfish interest in its warped woof. The movement called the Indian National Congress, which has existed for a quarter of a century, while making large political demands, never once thought spontaneously of any moral or social reform which could elevate or otherwise benefit the masses, until stung into such effort by foreign taunts. Efforts which are neither spontaneous nor voluntary, and owe their genesis to fears created by external taunts, have never done anything for mankind. The condition of women in India, a subject which moved patriots like Malabari and Keshab Chandra Sen to their noblest eloquence and their worthiest efforts, would seem to have roused slight echoes in the hearts of most Congressmen, who wax eloquent over theoretical refinements, such as the separation of the Judicial from the Executive, but are rarely roused to righteous wrath by the tyranny of the zemindar and his underlings, and the underlings of the Indian police, over the helpless masses. What is the use of seeking to define legitimate aspiration, when

the great bulk of educated young men, as it is the custom to call them, disclose no distinct consciousness of what legitimate means? And as for suppressing sedition, which ought never to have been allowed the freedom which it has enjoyed, although it is perfectly true, as a class of Indian newspapers have justly pointed out, that repression never uproots political crime, it is not less true that deterrent penalty is by the common consent of civilised nations the only available means by which innocent people, Indians or British, may be protected from the criminal violence of vicious men. British Rule may not become more popular because of new sedition and conspiracy laws; but it is impossible to allow innocent people to be destroyed by criminals who mistake themselves for patriots, the moral consistency of whose ambitions has been disclosed in organised schemes for plundering their own countrymen in order to obtain money for their propaganda. That many Indian journals which applaud the heroism of the new brand of martyrs, should fail to perceive this defect of such heroism, surely affords a sad comment on the enlightenment which is supposed to have qualified the country for self-government. Only one point remains to be touched on before this small article on a great subject is closed. No radical reform is ever entirely onesided. Whatever the causes of the present unrest in any portion of India, it is beyond question that they have been aggravated by two causes on which much may not be wisely said at the present time in public. Race prejudice, leading to indulgence of contempt by individuals in no way the real moral superiors of some of their victims, has rankled much in the heart of many Indians. This sore will not be healed by the growing indifference of many British modern

invaders of the country to the country and its people. The prestige of the ruling race has also been lowered by the unrestricted importation of foreigners of both sexes, who have not added lustre to the foreign name. Let us not overlook, when discussing needed legislation, the imperial need of a new bi-sexual European Vagrancy Act.

HISTORICUS.

Art. VI.—SOME INDIAN ECONOMISTS.

THE subject of Indian Finance in its manifold aspects has been dealt with by many writers. We have the monumental works of men like the younger Mill, Hunter, Strachey, Chesney and Lyall. But the personal lives of the great Indian Financiers such as Wilson, Laing and others are not as widely known. An attempt will be made to present a few salient features in the lives of some of these great men.

The word "Economy" originally meant in Greek, the management of the affairs of a household, specially the provision and administration of its income, and "political economy" was the name given to that part of the art of government which had for its aim the replenishment of the public treasury, and, as a means to this, the enrichment of the community by a provident regulation of industry and trade. Since the publication of Adam Smith's epoch-making book, the *Wealth of Nations* a new meaning was given to the term and "political economy" came to be conceived as a part of the science of human society, rather than a part of the art of government.

Fifty years ago there was no separate Finance Department of the Government of India. The whole work of the government was brought before the Governor-General and all his Councillors, and finance was the business, not of any particular member of the Government but of all the members alike. The Mutiny of the Bengal Army had increased the debt of India by about forty millions sterling and the changes required by it had augmented the annual expenditure by another ten

millions. Indian finance caused grave anxiety and required the serious consideration of the Government for its proper administration. To grapple with this deficit it was decided in England to appoint a Financial Member of Council. Previous to the creation of the Finance Membership there were in India financiers of note, such as Henry St. George Tucker who afterwards became Chairman of the Honourable Court of Directors. It was during the second tenure of his office as such that he selected Lord Dalhousie for the Governor-Generalship of India. The person who was chosen to be the first Finance Minister of India was the

RIGHT HONOURABLE JAMES WILSON

who was a distinguished political economist and Parliamentary financier and held at the time the post of Financial Secretary to the Treasury. Born at Hawick on June 3, 1805, he was the third son of a wealthy woollen manufacturer and received his first lessons at the school at Ackworth. From early childhood he imbibed a taste for reading and at the age of sixteen was apprenticed to a hatter in his native town. Here he acquired a thorough practical knowledge of commercial life. He had not, however, forgotten his books and pursued his studies far into the night. In 1824 he started a firm in London under the name and style of Wilson, Irwin and Wilson, which was dissolved seven years later and he continued to carry on business as James Wilson & Co. On January 5, 1832, he married Elizabeth Preston of Newcastle and about the year 1836 was tempted to speculate in indigo and lost all his capital. He acted most honourably however in paying up his creditors and retired from business in 1844 not before making his name conspicuous in financial circles by three pamphlets

which he had published. He was a regular contributor to the *Morning Chronicle* and the *Examiner* and was desirous of increasing his papers in the columns of the latter, but the space was denied him. With the help of Cobden and Villiers he started on September 2, 1843, the *Economist*—a weekly journal for financial and commercial men—himself writing nearly the whole of the paper in the early stages of its existence. He wrote as a practical man for those engaged in the daily routine of business life and his paper at once became a power in the newspaper world and has maintained its position ever since as the leading monetary organ of London. Wilson entered Parliament in 1847 as member for Westbury and was re-elected in 1852. With the formation of the Aberdeen ministry in the following year he became Financial Secretary to the Treasury and on Lord Palmerston returning to power in June 1859 he was made Vice-President of the Board of Trade—a post which he had previously declined, humorously observing that it was a good pillow but he did not wish to lie down. He also became Paymaster-General and was made a Privy Councillor. At this time he was offered the Financial Membership of the Governor-General's Council, which he accepted though not without some hesitation and left England on October 20, 1859. It is said that the late Queen on hearing from the Prime Minister of Wilson's appointment to India exclaimed "But what will become of the *Economist?*" A worthy successor, however, was found in Wilson's son-in-law Walter Bagehot who conducted the paper with great credit. Arriving in Calcutta at the end of November, Wilson proceeded on a tour through the upper provinces of India to Lahore and returned to the metropolis much impressed with the

undeveloped resources of the country. In his famous budget (February 1860) he proposed an excise on home grown tobacco, a small and uniform license duty on trades of every class and an income-tax on all incomes above Rs. 200 a year but with a reduction for those not exceeding Rs. 500 per annum. His proposal met with the approbation of the Viceroy, Lord Canning, and Sir Charles Wood (afterwards Lord Halifax), the Secretary of State for India. Sir Charles Trevelyan, Governor of Madras, opposed the imposition calling it "three tremendous taxes," but was recalled by the Government in England. The income-tax was sanctioned but the other two taxes were postponed *sine die*. The income-tax bill was prepared with the assistance of William Ritchie, the Advocate-General, on the model of the English Acts. He established a State Paper Currency and set up at Calcutta a Government Commission charged with the function exercised in England by the Issue Department of the Bank of England. Branch establishments were started at Madras and Bombay and the three Presidencies were divided for the issue and redemption of notes into convenient districts called Currency Circles. He next proceeded with the reformation of the system of public accounts with a view to restoring equilibrium between income and expenditure. He effected this, however, not by the imposition of new taxes alone, but also by the reduction of expenditure in accordance, as he said, with the maxim *magnum est vectigal parcimonia* ('economy is itself a great revenue'). To secure this, a Military Finance Commission was constituted under the presidency of Sir George (then Colonel) Balfour in order to effect every possible saving or reduction of expense of the army consistently with safety and efficiency. He tried similarly to reorganise

the police system and procured the appointment of a commission to review the numerous branches of civil expenditure. In all these measures, especially as regards the reduction of military expenditure and the imposition of income-tax, he received hearty support from Sir Bartle Frere, who before becoming Governor of Bombay had charge of the Exchequer in the interval between Wilson's death and the appointment of Mr. Laing. One need fear no contradiction in stating that Wilson was the first scientific economist and the greatest financier that ever came out to India, and it has been rightly said that he evoked order out of the chaos of Indian finance and rendered it possible for the future to regulate the outlay by the income. In the midst of his splendid work, however, he had from the latter part of June 1860 been suffering from dysentery to which he succumbed on Saturday, August 11, 1860, and was buried in the Lower Circular Road Cemetery, Calcutta, on the following evening. There stood around his grave the *elite* of the City of Palaces—most of the mourners being among those who had welcomed him to India only eight months before—and the string of carriages bearing sorrowful spectators is said to have covered more than two miles of the road leading to the burial ground. The following inscription marks his grave :—

"SACRED
to the memory of the
RIGHT HONOURABLE JAMES WILSON,
who was expressly sent from England to restore order in the finances of India at a period of disastrous confusion. He proposed several important measures for that purpose, but died from the combined effects of climate, anxiety and labour within eight months after his arrival in India.

Mr. Wilson was one of the soundest political economists, safest financiers and best administrators in his generation. He contributed to the adoption of Free Trade Policy in England by a long series of elaborate writings, as well as by protracted exertions in Parliament and in office. He was Secretary of the Treasury during two administrations, besides spending many laborious years in other departments of state and his aid was often sought by his political contemporaries, when economical difficulties required investigation or grave financial work required to be done.

Mr. Wilson was born at Hawick, in the County of Roxburghshire, N. B., on the 3rd day of June 1805, and died at Calcutta, on the 11th day of August, 1860; aged 55."

Wilson was of middle height with broad chest and shoulders and possessed an intellectual cast of countenance. A fine full length statue in white marble by Sir John Steele of Edinburgh may be seen in the Dalhousie Institute. He had (in the words of Sir Richard Temple) a "keen perception of every object that met his view, a habit of casting observant looks in all directions, and an extraordinarily retentive memory of what he saw, heard or read. His manner of conversation, though grave while he was intent on work, was bright and vivacious in society. He was methodical in his habits, ever searching for first principles and then applying them to actual circumstances." Wilson was a foreign Associate of the Institute of France. The celebrated Sir William Wilson Hunter was a nephew of his and began his Indian career three years after the death of his illustrious uncle. Wilson was succeeded in the Finance Ministership of India by

Samuel Laing

the very person who had taken his chair as Financial

Secretary to the Treasury. He was a son of Samuel Laing, the traveller and author of the well-known "Tours" and was a nephew of Malcolm Laing, the historian of Scotland. Born on December 12, 1812, he was educated at Houghton-le-Spring Grammar School and privately by Richard Wilson, a fellow of St. John's, Cambridge. Entering that College as a pensioner on July 5, 1827, he obtained the B.A. degree as second Wrangler in 1831 and was also Second Smith's prizeman. He was admitted a student of Lincoln's Inn on November 10, 1832; was elected a Fellow of St. John's on March 17, 1834, and was called to the Bar on June 9, three years later. He then became Private Secretary to Henry Labouchere (afterwards Lord Taunton) who was at the time President of the Board of Trade. At the age of thirty he became Secretary to the Railway Department of the Board of Trade on its formation in 1842, and by dint of exceptional ability made himself famous as an authority on Railway matters. It was to his suggestion that the English public are indebted for the running of "Parliamentary" trains at the rate of one penny per mile. Connection with industrial and commercial concerns gained for him much financial experience, and in June 1860 he was made Financial Secretary to the Treasury. In October of that year he was called to India to replace Wilson as Financial Minister to the Governor-General. When first asked to undertake the work he said to Lord Palmerston that the question of going to India to doctor a sick budget with a deficit of six millions depended on military reduction and the possibility of military reduction rested on peace. He wanted the Prime Minister's opinion regarding the prospects of peace to enable him to regulate his financial

policy. Palmerston replied that he did not trust the man at the Tuilleries an inch further than he could see him; but for the next two or three years, which was enough for their purpose, he thought he was fairly safe of peace, and advised Laing to go in for reduction. Joining his new post on January 10, 1861, Samuel Laing preserved in the main the principle of his predecessor in regard to the income-tax, but he introduced certain modifications in the details of levying it, and, by judicious moderation, tried to remove, or at any rate, to mitigate any causes of reasonable discontent. This he did by "lowering its rate, by waiving the claim to revise assessments, and by exempting the lower incomes altogether." While admitting the merits of the income-tax in bringing the untaxed yet wealthy classes under taxation, he was actuated to take this middle course under the belief that it was unsuitable to the circumstances of India. He abstained from levying the license tax, but arranged to increase the salt duties. The license tax, however, was introduced in 1867 by the Right Honourable William Massey during the Viceroyalty of Sir John Lawrence, while the income-tax was abolished in 1873 under the *régime* of Lord Northbrook who was perhaps the greatest financier among Indian Viceroys. He next settled the Paper Currency by having a revised bill passed and the Master of the Mint was made Head Commissioner of State Paper Currency. Following Lord Canning's dictum that even the danger of having too small a force of European troops was of less moment than the danger of imposing too heavy a burden of taxation upon large classes of the people, he lent his support to the measures started by his predecessor for diminishing expenditure and assisted in the abolition of the Indian Navy. Like Wilson he tried to check

extravagance and enforce a wise economy so long as the latter was compatible with efficiency. He was also much impressed by the indications of India's vitality and resources and anticipated much benefit from material improvement, especially the construction of canals for irrigation. Towards the middle of 1861 he was attacked with dysentery—the disease which had carried off his predecessor, and went for a few weeks on a voyage to the Straits of Malacca. The change did him good and after some time he proceeded on short leave to England whence he returned much improved in health to produce his second budget in April 1862. Soon, however, he resigned his appointment and left for England in the month of July. It will be remembered that he was censured by Sir C. Wood (Lord Halifax); but he amply justified himself before resigning. Before leaving India he had the satisfaction to observe that he came out here under the impression of the gloomy, almost despairing views of Indian finance which were prevalent, and it was only by degrees, and as the result of close enquiry, that the conviction had forced itself upon his mind that the revenue of India was really buoyant and elastic to an extraordinary degree. In July 1865 he was again elected M.P. for Wick and after working in various capacities retired from Parliament in 1882 at the age of seventy. He published *Modern Science and Modern Thought* in 1885 and other works followed in quick succession till his death on August 6, 1897, at the ripe old age of eighty-six. He left two sons and three daughters. Among the latter is Mrs. Edward Kennard, the well-known writer of sporting tales.

SIR JOHN STRACHEY,

who passed away recently followed by his brother Sir Richard, was born in London on January 5, 1823,

and was the fifth son of Sir Edward Strachey of the Bengal Civil Service and a grandson of Sir Henry Strachey, who was for some time Private Secretary to Lord Clive. When only nineteen he obtained an appointment in the Bengal Civil Service and came out to Calcutta in 1842. After passing through the several grades in the service he rose to be the Lieutenant-Governor of the North-Western Provinces as successor to Sir William Muir. He had acted as Viceroy during the fortnight that elapsed between the assassination of Lord Mayo and the arrival from Madras of Lord Napier of Merchistoun. He gave sound advice and encouragement to Sir Syed Ahmed in the establishment of the Mahomedan Anglo-Oriental College at Aligarh and Strachey Hall is named after him. When coming out to India as Viceroy, Lord Lytton halted at Allahabad on his way from Bombay to Calcutta to take the experienced advice of Sir John Strachey in regard to the Afghan policy. In 1876 Strachey again succeeded Sir William Muir as Finance Minister and became the right hand man of the Viceroy. He developed the scheme of periodical provincial contracts. Resigning his appointment in 1880, he took his seat in the India Council five years later. In June 1907 he received the D.C.L. degree of the University of Oxford from Lord Curzon and died on the 19th December following. He was the trusted friend and adviser of successive Viceroys and influenced the Indian policy of the greater part of the Victorian era to a degree and over a period approached by few members of the Indian services, except, perhaps, by his brother Richard. These brothers may be compared only to John and Henry Lawrence of an earlier generation. Among his works may be mentioned *India: its Administration and Progress*, which has passed

through three editions and which is perhaps the "most concise and informed of detailed expositions of the principles and methods of British rule in India," and *Finances and Public Works of India* which was published in collaboration with his brother General Sir Richard Strachey. A tablet "in grateful commemoration of his services" was placed by Lord Lytton in the Agra Fort in 1880.

Perhaps no name is better known or beloved for sympathy with the people of India than that of

ROBERT KNIGHT.

Born on March 13, 1826, he left England at the age of 22 and came out here as an assistant in the firm of Messrs. Cutler, Palmer & Co. His earliest journalistic associations were formed at Bombay, where he became the editor of the *Bombay Times* (subsequently known as the *Times of India*) on the paper becoming the property of General Nassau Lees. Mr. Knight is said to have had considerable pecuniary interest in it. During the Mutiny of 1857 he fought hard to support the policy of Lord Canning and made his paper a power in the Western Presidency. While connected with the Bombay Press Mr. Knight was instrumental in starting the Press Telegraphic Service between India and Europe which was sold to, and is now associated with, the name of Baron Reuter. He was not, however, latterly over-pleased with the Baron's way of doing business and started in conjunction with the *Indian Daily News* and other daily papers the Central News Agency which for a long time gave satisfaction to the public. On his departure from Bombay the people presented him with half a lakh of rupees after giving him a farewell entertainment as a reward for his advocacy of moderate measures. He then went home and on his return to India started the

Indian *Statesman* which he sold to Mr. Sidney Laman Blanchard for Rs. 10,000. Coming to Bengal in 1858 he started the *Indian Economist*, a monthly journal of finance and statistics and the marked ability with which he handled these difficult subjects attracted the notice of Sir George Campbell, the Lieutenant-Governor. The latter offered Mr. Knight the post of Assistant Secretary to the Government of Bengal in the Agricultural and Statistical Department,—a post which was expressly created for him. At this time Sir Richard Temple's famine was going on and in his journal there were some expressions of disapproval of the policy of Lord Northbrook. Sir Evelyn Baring, Private Secretary to the Viceroy, was not a man to brook opposition and reduced by one-half the Government subscription by which the paper was chiefly supported, intimating that future opposition or even dissent from the policy of Goverment would result in the withdrawal of Government support altogether. Mr. Knight resigned the post after some time, as Lord Northbrook did not like the idea of his continuing as editor of the journal while he held the post of a Secretary to Government. With the co-operation of the Honourable Kristo Das Pal, Mr. Manmohan Ghose and other Indian gentlemen he started in 1876 the *Statesman* as a journal carried on in Indian interest. On May 4, 1878, an evening supplement devoted mainly to Literature and to War appeared and the paper continued to be issued twice daily till September of that year. It was the property of a joint stock company, Messrs. Nichols & Co. being its treasurers. When the Company failed about the year 1881 Mr. Knight mortgaged the press and plant to the Rajahs of Paikparah. He went home again (1879) on account of ill-health and in London he started a monthly *Statesman* with the help of Colonel

Osborne, which was afterwards converted into a weekly and ran for a year or so. It was at this time that Sir Richard Meade, Resident at Hyderabad, brought an action for defamation against Mr. Knight in the Court of Queen's Bench. It is said that Lord Lytton and other Anglo-Indian officials favoured this prosecution, but nothing came of the case owing to the death of Sir Salar Jung. Mr. Knight returned to India for the last time in 1880 and resumed charge of the *Statesman*, which, in his absence, was conducted by Mr. William Riach. He died on January 27, 1890. The number of Indians present at his funeral testified to the esteem in which the great deceased was held by the native community. He was a man of large heart and deep conviction endowed with vast information. On financial and statistical matters he could write with the authority of an expert. He may be called the Bayard of Indian Journalism and was without a rival among his contemporaries. Fearless in his advocacy of whatever cause he adopted, he always took the side of the weak and the suffering. He had an absorbing love for India and a passionate desire to do justice to her sons.

ROBERT HEATLY HOLLINGBERY

was a Eurasian of sterling qualities, whose simple modesty always kept him in the background and prevented his services to the Government and the public from being known beyond the circle of his colleagues. Educated at the old Parental Academy, now known as the Doveton College, he entered Government service at the age of eighteen in the Military Accounts Office where his fine powers as an Accountant marked him out for selection when a vacancy occurred in the Financial Secretary's Office. During the Financial Membership

of the Right Honourable James Wilson, Mr. Hollingbery published a pamphlet on Finance bristling with carefully prepared statistics. The originality of the production attracted Wilson's attention and he took Hollingbery into his counsels. From that time forth he speedily rose in the confidence of his superiors and eventually became Assistant Secretary to the Government of India in the Financial Department on a salary of Rs. 2,000 per mensem. Thorough in his work and exhaustive in his research, his devotion to Government was unsurpassed. He was invited to go to England to represent the Government before a Parliamentary Committee which was overhauling the financial administration of India, but, through diffidence, he declined the honour. He was an authority in matters relating to land and currency and wrote largely on both these subjects. His book on "Silver" shews profound mastery of the currency question, but his greatest work was the one on the relation between landlord and tenant in Bengal. The zemindari settlement of Bengal will remain a standing monument of his industry and research, and, though superseded by Sir W. W. Hunter's "Bengal MSS.," will continue to be a charter of the Bengal Zemindars. When he set to work it was with a view to curb the pretensions of the zemindars, but such was the strength of their cause and such his own adherence to truth that he ended by siding with the Permanent Settlement. At great sacrifice to himself and with an utter disregard for money, he tried his best to help those who sought it in distress and even ran into debt and came to grief. But his dealings were always honourable. When arrested for debt and brought before the High Court he was asked by the Presiding Judge why he did not take the benefit of the Act, he

made no reply and quietly went to jail. He was a man of very simple habits and was unassuming and kind-hearted to a degree in his private life. It was once remarked of him that Hollingbery could control the finances of an empire but was unable to tie his own purse-strings. For many years he contributed a monthly sum of two hundred rupees towards the expenses of the Doveton College. On his retirement, forced upon him by his civil imprisonment, he had applied for a bonus, but the Government of Lord Lytton would not sanction it for the benefit of his creditors and granted him only a special pension of Rs. 500 per month. This was but a poor acknowledgment of the great services he had rendered to the State. He set apart, however, the whole of this pension to repay his debts which were incurred for no benefit to himself and fell back on personal labour to support himself for the few remaining years of his life. He stayed at Jeypore and other places where he earned enough for his few needs. He died on April 27, 1895, at the Howrah General Hospital, aged seventy. He was the author of the several financial codes which are now collectively known as the Civil Service Regulations. A keen-sighted financier as he was, his ability as an officer is proved by the fact that he was often consulted by Lord Mayo and Lord Northbrook, and scarcely any financial scheme was passed which had not his approval. Sir Richard Temple took his advice in every difficulty and was almost invariably guided by him. Once he had asked Hollingbery to devise a scheme for raising money without fresh taxation. The latter suggested the reduction of the expenditure in Jails and the Whipping Act was passed. He wanted to get half the population flogged to save Government from a financial crisis! He was very hardworking and shrank

from no labour, however great. On one occasion Lord Northbrook wanted to give him certain instructions personally and required his presence at dinner. Mr. Hollingbery's name not being in the Government House list, Mr. Chapman, the Financial Secretary, asked him to call at Government House to qualify himself for the honour. He gave every satisfaction to the Viceroy, and not only finished the special work before the allotted time, but did it in addition to his current duties, though orders were issued to relieve him. He was exceptionally kind to his assistants and would never punish them if he could help it. He used to say that office clerks are taught to tell lies by the harshness of their superiors. He left one son whom he sent to England for education and who took orders in the Church of England. Mr. Hollingbery was first cousin to E. W. Kellner, Esq., C.I.E., and to

SIR GEORGE WELSH KELLNER,

who was born at Calcutta on March 20, 1825, and was a son of Mr. Francis Daniel Kellner. He entered the service of the Indian Government in a subordinate capacity in 1841 and in the same year married Caroline, daughter of Mr. H. B. Gardener. It is said that when he was a young man of sixteen earning his livelihood by giving lessons in drawing, he made a fancy sketch of a Bengal official of high rank. The humour and truthfulness of the portrait attracted the notice of a big officer who befriended young Kellner and secured for him a post of a clerk in the Financial Department of the Government of India. His merits were appreciated by the head of his office and he contrived to get employed on a special mission which afforded scope for the exercise of his innate capacity for marshalling facts

and figures. An official report of his at length attracted the attention of Lord Dalhousie, who selected him to make a financial enquiry into the accounts of the Government and displayed great tact and discretion in the discharge of his duty. Lord Canning selected him for other similar enquiries and eventually for the Military Finance Commission. He improved his Indian experience by a course of studies in accounts in the war offices in London and Paris and also studied the financial working of the principal railways in both the places. On his return to India he was employed in re-organising the account departments of the Public Works, Railways, Customs and Civil offices. He possessed an intimate knowledge of military accounts, and, in the words of Sir Richard Temple, was one of the ablest men whom the uncovenanted service of India has produced. He accompanied Sir F. Goldsmid on a financial mission to Turkey in connection with the Telegraph Department and was twice deputed as a Government witness before committees of the House of Commons on Indian Finance and was complimented on both occasions for the evidence he gave. In the discharge of his various duties he uniformly exhibited a discretion which not only obtained the approval of Government but secured for him many friends in all departments of the service. He was appointed, on the ground of special fitness, to the post of Military Accountant-General of India in 1871,—an office which had up to that time been held by officers of high military rank. As a reward for his eminent services he was made a C.S.I. in 1877 and a K. C. M. G. two years later. He accompanied Lord Wolseley as Financial Commissioner and Member of Council to Cyprus (which had just, during the Russo-Turkish War, been added to

England) in 1878. That year, on his departure from Calcutta, he was entertained by his old "Uncovenanted" friends at a dinner in the Town Hall.

In 1882, he married Jane, daughter of Mr. F. B. Carter and in the same year was deputed by the Council of Foreign Bondholders to report upon the condition and prospects of the Republic of Costa Rica. He was made Assistant Pay Master-General of the Supreme Court of Judicature in England in 1884 and died in London on 10th June 1886, and was buried in the Kensal Green Cemetery. He was essentially a self-made man and had worked for his uncovenanted brethren for many years as Secretary to their Family Pension Fund. Of polished manners and devoid of any approach to pomposity, in private life he was very sociable and popular. By his first wife, he had a son, Cecil George, who was baptised at old St. James's Church which fell shortly after the Mutiny. The young man returned to India as a barrister, but died at Maimansing in his thirtieth year (1880).

An endeavour has been made above to recall a few Financiers whom India has known. The number of others, by whose deliberations and advice the country has benefited, is of course considerable.

KIRAN NATH DHAR, B.A.

CRITICAL NOTICES.

MODERN EGYPT. By the Earl of Cromer. With Portrait of Author and a Map. Macmillan & Co., London. 2 vols. 1908.

THE maker of modern Egypt has come forward to tell the story of his work in the Valley of the Nile for a period extending over thirty years after his retirement from the field of his labours. Being auto-biographical and written from personal knowledge, the work certainly possesses an abiding interest and a general importance which books of a like nature can scarcely expect to possess, produced as the latter are from published records, newspaper reports and second-hand information. Possessing first-hand knowledge of unique importance of the great events in which he acted the principal part and which went gradually to the making of modern Egypt as a British Protectorate, it is undoubtedly the fact that Lord Cromer is the best person to give us an account of the way in which the Valley of the Nile has been restored from chaos to order and from anarchy to peace. "And whatever be the ultimate issue of that undertaking," says Mr. Traill, "its record, let us be sure, will retain a lasting place in history, as its memories will abide in the traditions of the Egyptian people. If England, concentrating her strength for self-defence were forced to-morrow to retire from Egypt—even as Rome, our prototype in history, withdrew her legions from our own shores when her enemies gathered on her frontier—the last two decades of the nineteenth century would still be remembered in the Nile valley as a period when for the first time for countless generations, law and order and security reigned under the ægis of a power which has spread these blessings over half the world; when the stream of justice flowed pure from its fount, and the rich man could no more deflect its course than he could divert the waters of the Nile from the plot of the poorest cultivator; when the hand of the oppressor was stayed over the people, and the extortions of the tax-gatherer were made to cease, and the lash was wrested from the taskmaster, and the peasant everywhere ate of the fruit of his

labour, no man making him afraid. The recollection of these things will not soon pass away in Egypt; the experience is too sadly strange, too pathetically novel for that. It will be engraven on the hearts of the people as upon a stela as enduring as the sepulchres of their kings. And wherever the tale of this great and beneficent work is told the name of the English Administrator who guided its whole course from commencement to completion, whose unconquerable patience overcame one by one all the obstacles that impeded it, whose sagacity foresaw and whose firmness averted all the dangers that threatened it, will claim a place at the head of every chapter of the noble narrative, and be recalled with honour on every page."

The above is a glorious panegyric on the work done by Lord Cromer in Egypt, and no one can deny its justness and propriety. The work is magnificent and has altogether turned the history of the land of the Pharoahs in a different course. The intervention of England in Egyptian affairs is a god-send to the happy Valley of the Nile and the commission given to Lord Cromer for carrying out England's mission there is really providential. At present the work done by Lord Cromer may appear to some as altogether beneficial to England and harmful to Egyptian independence, but we cannot, by any stretch of imagination, foresee how it could go to the annihilation of the best interests of the Egyptians. On the other hand, there are unmistakable signs indicating that the work done by Lord Cromer has aroused the Egyptians to take a more prominent part in the administration of their own country and has produced ambitions and aspirations quite like those of the Western people. Lord Cromer has sown seeds of a national movement in the Valley of the Nile, and it is only time and prudent management that are required now by the Egyptians for reaping the harvest. The fact that the Egyptians are now ambitious of becoming a nation self-governing, independent and powerful, is itself the consequence of the magnificent work done by Lord Cromer apparently for England but really for the people of the Land of the Nile. Before England's intervention, there was no hankering among the Egyptians for a national independent

existence; had there been such a sentiment among the people, no foreign nation could have entered Egypt and meddled with its political affairs in the manner in which France and England have been able to do. The consciousness of national existence was absent among the Egyptians, but this sentiment now, how strong and widely prevalent among them under the guise of Pan-Islamic movement, is too clear to be dwelt upon. England's work in Egypt, just as her work in India, has inspired the people with the sentiment of nationality—a gain which under the ægis of any other Foreign Power it would have been quite impossible for the Egyptians to acquire within so short a time.

Coming to the book under notice we find, with a melancholy sensation, that the most striking part of Lord Cromer's work is his severe, rather cruel, criticism of General Gordon, the hero and martyr of Khartoum. His Lordship does not endorse the bitter accusations so freely levelled against the British Government in regard to their Soudan Policy in 1883-84, but he thinks they made two great mistakes. Of these one was a sin of omission and the other a sin of commission. The sin of omission was that the Government did nothing to stop the departure of the Hicks' expedition. The sin of commission was the despatch of General Gordon to Khartoum. Looking back at what occurred after a space of many years, two points are now clear to Lord Cromer. The first is, that no Englishman should have been sent to Khartoum. The second is, that if any one had to be sent, General Gordon was not the right man to send. Had the Hicks' expedition been fordidden by the Home Government, General Gordon would never have been sent to the Soudan; it was the spark that led to a great conflagration. The Mahdi had arisen in 1881 and spread his rules among a fanatical and misgoverned people. Early in 1883 General Hicks was appointed to the Soudan Army and was stationed at Khartoum. The Mahdi's power grew by leaps and bounds; El Obeid, the capital of the province of Kordofan, fell into his hands; the question to be answered was—should a part at least of the Soudan be evacuated or should General Hicks advance into Kordofan against the Mahdi? The expert opinion

of Colonel Stewart, Lord Dufferin and Sir E. Malet was against the expedition, but the Egyptian Government was averse to looking the facts in the face and sanctioning a withdrawal. The British Ministers, on the other hand, declined to take the responsibility on their shoulders. They might have forbidden the expedition, but unfortunately they abstained from all interference. They appear, indeed, to have seen that the wisest plan for the Egyptian Government would have been to stand on the defensive at Khartoum. But they did nothing to enforce this view.

The Hicks expedition set out on September 8, 1883, three days before Lord Cromer's arrival in Egypt, as British Consul-General at Cairo. On November 5th, led astray by its guides, left to wander for three days and nights without water, having lost many hundreds of men by thirst, the whole army was cut to pieces by the Mahdi's forces. So came the necessity of evacuating the Soudan and of sending a right man to superintend the evacuation. The man chosen was the immortal General Gordon—*a man*, in Lord Cromer's opinion, *most unfitted for his task*. As British Consul-General, Lord Cromer became largely responsible for the management of local affairs in Egypt, and it became clear that the evacuating of the Soudan was the only practicable policy. The British Government was reluctant to employ British or Indian troops, or to see the employment of a Turkish army. The garrisons, therefore, so far as possible, must be withdrawn, for Egypt could not hold her ground against the Mahdi. Who should be sent to carry out the evacuation? On December 1, 1883, Lord Granville telegraphed to Lord Cromer thus :—"If General Charles Gordon were willing to go to Egypt, could he be of any use to you or to the Egyptian Government, and if so, in what capacity?" Lord Cromer objected to General Gordon, he now tells us, on the ground of "his personal unfitness to undertake the work in hand," but he refused Lord Granville's suggestion on the ground that Gordon, as a Christian, might alienate the loyal tribes. On January 10, 1884, Lord Granville again suggested that Gordon might be useful, and again Lord Cromer rejected the proposal. "Would" he adds, "that I had done so a third time!" But Lord Cromer consented—on conditions. He "knew something," he says

"of General Gordon's erratic character," and insisted that he must understand his subordinate position, take his orders from the British Consul-General at Cairo and report to him regarding his mission. It is Lord Cromer's great complaint against General Gordon that in this respect he did not strictly fulfil his duty.

It must not be thought that Lord Cromer does not pay sincere tribute to General Gordon's many good qualities. He does; but considering his own great responsibility at this time, he thinks it necessary to examine the side of Gordon's character which made him unfitted for the trust confided to his generous nature. Impulsive flightiness was, says Lord Cromer, the main defect of General Gordon's character, and it was one which in his opinion rendered him quite unfit to carry out a work which pre-eminently required a cool and steady head. Lord Cromer used to receive some twenty or thirty telegrams from General Gordon in the course of the day when he was at Khartoum, those in the evening often giving opinions which it was impossible to reconcile with others despatched the same morning. The greater part of the English Press, notably the *Pall Mall Gazette*, demanded the despatch of General Gordon to the Soudan; Lord Granville and the Home Government desired to send him; Sir Evelyn Wood and other experts were favourable to his employment. So, says Lord Cromer, "I gave a reluctant consent, in reality against my own judgment and inclination, because I thought that as everybody differed from me I must be wrong. I also thought that I might be unconsciously prejudiced against General Gordon from the fact that his habits of thought and modes of action in dealing with public affairs differed widely from mine. In yielding, I made a mistake which I shall never cease to regret. Had I known General Gordon better I should certainly never have agreed to his employment."

On January 26, 1884, General Gordon left Cairo for Khartoum on his fateful mission, in excellent spirits and hopeful of success. "My own heart," writes Lord Cromer, "was heavy within me, I had seen General Gordon. Manifestly, in spite of many fine and attractive qualities, he was even more eccentric than I had originally supposed." He might be under Lord

Cromer's orders, but "a man who habitually consults the Prophet Isiah when he is in a difficulty, is not apt to obey the orders of any one." The main point of Lord Cromer's indictment against General Gordon is this that he was sent to Khartoum to do the best he could to carry out the evacuation" and that he extended his instructions to an extent which was violation of his duty, that he wished to "smash the Mahdi," and he refused to consider any scheme which did not provide for the retreat of all the garrisons throughout the Soudan which were menaced by the Mahdi. On November 19, 1884, he wrote:—"I declare positively, and once for all, that I will not leave the Soudan until everyone who wants to go down is given the chance to do so, unless a Governmet is established which relieves me of the charge; therefore if any emissary or letter comes up here ordering me to come down I will not obey it, but, will stay here and fall with the town and run all risk." Magnificent, comments Lord Cromer, but neither war nor duty! Hence Lord Cromer finds no hesitation in saying that General Gordon cannot be considered to have tried to do his duty, unless a very strained and mistaken view be taken of what his duty was. He appears to Lord Cromer to have set up for himself a certain standard of duty without any deliberate thought of the means by which his objects were to be accomplished, or of the consequence which would probably ensue to the British Government and the British nation from attempts to accomplish them. As a matter of public morality, Lord Cromer cannot think that General Gordon's process of reasoning is defensible. The duty of a public servant placed in his position was to sink his personal opinions.

The truth is, according to Lord Cromer, that General Gordon was so eager to "smash the Mahdi," and so possessed with the idea that it was the bounden duty of the British Government to extricate all the garrisons that he tried to force the hand of the Government and to oblige them to send an expedition to the Soudon. Lord Cromer thus sums up the melancholy indictment:—"I do not think that it can be held that General Gordon made any serious effort to carry out the main ends of British and Egyptian policy in the Soudan. He thought more of his personal opinions than of the interests of

the State. He did not adopt his means to his ends. He knew, or at all events he should have known, what were the main and what the subsidiary, objects of British policy, and he deliberately ranked the second before the first, because his personal predilections tended in that direction. The execution of that policy should have been in the hands of a man who could fight if necessary, but who would devote all his efforts to turning his mission into one of peace rather than of war; he should have been cool, self-controlled, clear-headed, and consistent, deliberate in the formation of his plans, after a careful study of the facts with which he had to deal, and steadfast in their execution when once his mind was made up. General Gordon possessed none of these qualities. He was extremely pugnacious. He was hot-headed, impulsive and swayed by his emotions. It is a true saying that "he that would govern others first should be the master of himself." One of the leading features of General Gordon's strange character was his total absence of self-control. He was liable to fits of ungovernable and often of most unreasonable passion. He formed rabid opinions without deliberation, and rarely held to one opinion for long. His Journal, in which his thoughts from day to day are recorded, is even in the expurged form in which it was published, a mass of inconsistencies. He knew nothing of English public life, or generally, of the springs of action which move governing bodies. He appears to have been devoid of the talent, so valuable to a public servant in a distant country, of transporting himself in spirit elsewhere. His imagination, indeed, ran riot, but whenever he endeavoured to picture to himself what was passing in Cairo or London, he arrived at conclusions which were not only unworthy of himself but grotesque—as, for instance, when he likened himself to Uriah and Hittite, and insinuated that the British Government hoped that he and his companions would be killed or taken prisoners by the Mahdi."

In fact, concludes Lord Cromer, "except personal courage, great fertility in military resource, a lively, though sometimes ill-directed, repugnance to injustice, oppression and meanness of every description and a considerable power of acquiring influence over those, necessarily limited in numbers, with whom he was brought in personal contact, General Gordon does not

appear to have possessed any of the qualities which would have fitted him to undertake the difficult task he had in hand." The above is a serious indictment against a dead man, by which Lord Cromer challenges the verdict of the whole civilised world which has long ago accepted General Gordon as the supreme type, in these latter days, of devotion to duty even unto death. "I am quite happy, thank God," General Gordon wrote to his sister within a few weeks of his death. And like Lawrence "I have tried to do my *duty*." To this Lord Cromer replies in the negative. A well-known critic says—let us endeavour to answer Lord Cromer's two questions. What was General Gordon's duty? Did he in reality try to do his duty? The materials for replying to these questions are fortunately ample and of undisputed authenticity. General Gordon's duty was to execute the mission entrusted to his care, to obey his instructions, and to save the honour of his country. What was the mission entrusted to him? General Gordon's version of it was that he had to cut off the dog's tail, *coute que coute*, and save the garrisons. He was to go up and evacuate the country, fully understanding that the Government would not guarantee the future government of the Soudan. He accepted the mission on that understanding. When he got to Cairo he met Lord Cromer, who had originally suggested the despatch of an officer of high authority to Khartoum "with full powers to withdraw the garrisons and to make the best arrangements he can for the future of the country." This was the root idea in Lord Cromer's mind as to the double duty to be imposed upon the "officer of high authority" who happened to be General Gordon.

In this connection it should be borne in mind that the above duty, as originally defined by Lord Cromer himself before General Gordon was selected when he himself had vetoed the appointment of General Gordon, was twofold; and neither part was subsidiary,but both are essential. He had (1) to withdraw the garrisons and (2) to arrange for the future government of the country. After General Gordon's arrival at Cairo, Lord Cromer gave him detailed instructions as to his duty. The main end to be kept in view and pursued was the evacuation of the Soudan. But this included the two objects above stated. In order to achieve this two-fold end, he was appointed Governor-General of the

Soudan by the Egyptian Government, which at that time was in the pocket of Lord Cromer. The *firmans* issued by the Khedive were approved by Lord Cromer, and they still further defined General Gordon's duty. The governing sentence was the following:—"We trust that your Excellency will adopt the most effective measures for the accomplishment of your mission in this respect (the withdrawal of the troops, civil officials, and such of the inhabitants, together with their belongings, as may wish to leave the Soudan), and that, after completing the evacuation, you will take the necessary steps for establishing an organised government in the different provinces of the Soudan for the maintenance of order and the cessation of all disorders and incitement to revolt." To avoid all possibility of doubt, he was further charged:—(1) to restore public tranquillity on a sure basis; (2) to establish justice and order; (3) to maintain the security of the roads open to commerce. The Khedive in granting General Gordon such extensive powers, said: "I have only made one condition: that he should provide for the safety of the Europeans and the Egyptian civilian element. My heart bleeds at the thoughts of the thousands of loyal adherents whom a false step may doom to destruction."

Here then we have General Gordon's duty defined by the two authorities to whom he owed allegiance. Both put the safety of the garrisons in the first place, and both added, as an only less important duty, the establishment of some government in the evacuated territory, a duty to be understood after the completion of the evacuation. To do that was General Gordon's duty. "Did he in reality try to do his duty?" It is surely preposterous on the part of Lord Cromer to raise such a question after the lapse of so many years during which General Gordon's memory has been cherished by the world as a martyr to the cause of Duty. The entire tragic record shows that General Gordon was desperately and passionately determined to do his duty and execute his instructions, and that it was because he deemed the honour of England pledged to the carrying out of those instructions that he incurred the animosity of those who are involved in the "indelible disgrace" of his betrayal. The accusation and indictment are evidently an after-thought. No suggestion that General Gordon was flinging his instructions to

the winds finds any place in Lord Cromer's own despatches during that fateful year of 1884. On the contrary, Sir Evelyn Baring again and again identified himself with Gordon's policy. In his book he endeavours to make out that General Gordon allowed himself to be carried away by his pugnacious self-willed spirit and that he subordinated the interests of the State to his personal opinion !! A more unworthy slander was never uttered about a dead hero.

Lord Cromer's contention now is that General Gordon's discovery on February 26th that "if Egypt is to be quiet, the Mahdi must be smashed up," showed that his combative spirit completely got the better of him, and that the demand for the smashing of the Mahdi was contrary both to the spirit and the text of his instructions. But he only discovered that after Gordon was dead. Writing to Lord Granville immediately after he received Gordon's telegram, he expressed his entire agreement with General Gordon's proposal "to make every effort of which the present circumstances admit to set up some settled form of Government to replace the former Egyptian administration." He went further than this. After he had received General Gordon's long despatch on March 8th, 1884, explaining that it was absolutely necessary to have Zebehr at once, because Zebehr "would make short work out of the Mahdi," Lord Cromer telegraphed urgently supporting General Gordon's demand, declaring "I think the policy of sending Zebehr to Khartoum and giving him a subsidy is in harmony with the policy of evacuation." Now, when General Gordon is dead, Lord Cromer tells us, that the policy of smashing the Mahdi, of which the despatch of Zebehr was the indispensable first step, was in flagrant violation both of the spirit and the letter of his instructions ! Even that is not all. He now says that when the demand for Zebehr was refused, General Gordon, if he had been loyal to his instructions, "ought to have concentrated his efforts on evacuation. He did nothing of the sort. He thought mainly of the subsidiary portion of his instructions and neglected the main issue." Now it is difficult to find words adequately to describe such a misrepresentation of the facts. We have only to turn to page 518 of Lord Cromer's own book to find the conclusive refutation of this abominable

calumny. On March 10th, General Gordon anticipating the refusal of Zebehr and the diversion to Berber, wrote to Lord Cromer saying that in that case "I can see no use in holding on to Khartoum. Your instructions to me had better be that I should evacuate Khartoum, and with all the employees and troops remove the seat of Government to Berber. You must give a prompt reply to this, as even the retreat to Berber may not be in my power in a few days, and even if carried out at once, the retreat will be of extreme difficulty." There is nothing here about thinking "mainly of the subsidiary portion of his instructions." Gordon asks for instructions to justify him in "concentrating" on the main issue. Now what was Lord Cromer's reply? He tells us (page 521): "I repeated Lord Granville's telegrams (authorising him to extend his appointment for any reasonable period which may be necessary to carry out the objects)—plural, mark you, not the one object of sending down the garrisons of this mission with which he has been entrusted" instructing him at the same time to "hold on to Khartoum until I could communicate further with the British Government." Alas! Gordon was even then cut off from all communication with the outside world. Is it conceivable that the man who refused to order Gordon at his own request, to "concentrate on evacuation" and who actually ordered him to "hold on to Khartoum" until he had accomplished the objects of his mission, should now have the calm effrontery to upbraid General Gordon for holding on to Khartoum, and trying to accomplish the objects of his mission?

This charge brought in cold blood against a dead man who died because he obeyed Lord Cromer's orders is obviously an after-thought. Lord Cromer now admits that he ought to have ordered him to come down to Berber. But at the time he saw too well the objections to that course. He wrote to Lord Granville thus:—"The alternative which General Gordon will probably adopt of evacuating Khartoum at once and retiring on Berber is open to very great objections and will be most difficult to execute. It involves the certainty of sacrificing the garrisons of Sennar, Bahr-el-Ghasel and Gondokoro. I do not think that the retreat could be carried out without great personal risk to Gordon and Stewart. The ultimate effect will be that Khartoum

must fall to the Mahdi, whose powers will be thus immensely increased, and the policy of creating a bulwark between Egypt and the Mahdi, which I cannot but think is the only wise course to follow, will have to be finally abandoned." The doctrine that the setting up of a government for the Soudan was merely subsidiary to the main issue—that of rescuing the garrisons—found no favour in Lord Cromer's sight in 1884. He wrote in the same despatch from which we have quoted already :—"General Gordon's main contentions appear to me to be perfectly clear and reasonable. They are, first, that the two questions of withdrawing the garrisons and of arranging for the future government of the country cannot be separated. Secondly, that it is most undesirable, even if it be possible, for him to withdraw without leaving some permanent man to take his place." Yet it is the man who wrote that in 1884 who now asperses the honour and loyalty of General Gordon because he acted upon these "perfectly clear and reasonable contentions," the force of which was then recogniscd even at Cairo. How much more cogent they must have seemed at Khartoum need not be said. Is it possible that Lord Cromer, feeling a very natural shame at the way in which he had thwarted General Gordon's policy and had so contributed to his doom, has found an ignoble relief in aspersing the character of the hero who sacrificed himself to save the honour of his country? "It grieves me" says an old friend of Gordon, "to have to make such a suggestion concerning a public servant who has so distinguished a record as Lord Cromer. I owe it to the memory of my dead friend to expose the meanness of the attempt to besmirch the fair name of the Bayard of the nineteenth century."

The second volume is different in character from the first and will be found more generally readable. It has clearly been written in large part recently, probably during the nine months which have elapsed since Lord Cromer's retirement from official life. It deals with the present position in Egypt and its future. It is the work of a freer hand, of a writer no longer officially responsible, of one giving vent to feelings and opinions long suppressed. We imagine it will embarrass to no small degree the work of conciliating popular feeling entrusted to his successor at Cairo. This portion of Lord Cromer's work is in

effect a fierce, nay, a brutal, challenge to all native Egyptian sentiment, emphasising the bitterness of the writer's heart partially disclosed in his last official report, published a year ago. It begins with an attack on the Mahomedan religion which cannot but give the gravest offence both in Egypt and in India, and it goes on to deny all claim of intellectual or moral fitness for self-government not only to the Mahomedans of Egypt, but to every section there of the native community, Copts, Armenians and Syrians all alike. It is written, moreover, in that tone of contemptuous official superiority, which, whether justified in fact or not, has done more than anything else to raise trouble for us in India, a tone which in spite of the material benefits bestowed on Egypt by his administration roused against Lord Cromer in his last days at Cairo such a storm of native resentment as to leave him almost without a friend. We cannot think that the publication of abusive words so wounding at the present moment can do anything but grave harm. It is, indeed, more than probable that Lord Cromer is himself aware that this will be the result, and that the appearance of a work by him containing them runs risk of being disapproved in certain high quarters. There is, indeed, a suggestion of such a probability in the brief preface, dated 31st December 1907, in which Lord Cromer at the moment of publication explains:—"I am wholly responsible for the contents of this work. It has no official character whatever."

With the exception of Gordon episode which is dealt with regardless of official etiquette, there is, we believe, nothing in the historic part of the whole work—that is the major portion—which might not have been put together equally well by a painstaking compiler out of the Blue-books and other published records. There is hardly any new document quoted or incident narrated or fact not already known. Still the work is not without its merits; its reflections on the British policy in Egypt and the author's cogitations on the future of the Valley of the Nile are matters of serious consequence to the future administrators of a great dependency of Great Britain. Lord Cromer has practically made Egypt a British dependency; the Khedive is now only an annuitant of England. As such, the Egyptians are to all intents and purposes, as good as British subjects.

The fate of Egypt like that of India rests entirely with the British politicians. According to Lord Cromer Egypt for the Egyptians, like India for the Indians, is nothing less than a dream, and Egyptian nationality a chimera.

MR. CREWE'S CAREER. By Winston Churchill. Macmillan and Co., Ld., 1908.

THE distinction between the strong and the merely strenuous, between the forceful and purposeful character and that which is merely "pushful," is one that is very apt to be lost sight of nowadays. Mr. Winston Churchhill draws in vigorous line, however, and he will be a dull reader who fails to read the lesson of "Mr. Crewe's Career." From dedication to postscript the book is manifestly and unashamedly full of purpose, and good purpose too. And yet we do not often read a story so full of interest and grip.

There may be those who will regret that our author has come down out of the past to grapple with what we somewhat too easily term the commonplace present. And yet nearly all of us, at times, grow aweary of the past, and our minds are held by the great problems of our own time. Why, we ask sometimes, did not Shakespeare tell us something of the spacious times of Queen Elizabeth? And why, equally, should not our best writers use their best endeavours to record the attitude of mind, the habits of life, and the great movements of the by no means dull or uneventful period of earth's history in which they and we are alike spectators and actors?

Austen Vane, the son of Hilary Vane, the law agent of the Imperial Railroad, launches out upon a sea of troubles when his untamed conscience bids him oppose his father, and his environment becomes positively tempestuous when his affections fix themselves on Victoria Flint, the daughter of the president of the same high-handed corporation. Conscience rules, however, and in the end the heart comes to its own. The character of Victoria Flint commands admiration. Here is a young woman of perception, and, though to her hard and masterful father and to her empty frivolous mother Austen is but a young fool who cannot see where his chances of success

lie, to her he is the one man who can be trusted and believed in. Humphrey Crewe whirls in and out in his red car: he represents money, and all that money gets, but his soul is lean, and his perception is as deficient as his sense of humour.

Shall we say that some of the characters are overdrawn? No, for we have met them times out of number. The self-sufficiency of Mr. Crewe, is a very widely distributed virtue, and yet—did any man ever propose to any woman in the way he did?

The book is full of the poetic consciousness of nature; the changing aspects of mountain and river and sky are interwoven with human moods and actions in our author's accustomed way. "Mr. Crewe's Career" is an interesting story, and, as we have indicated, it is also a book to give thought to the thoughtful in more than one direction.

ACKNOWLEDGMENTS.

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No man who hath tested learning but will confess the many ways of profiting by those who, not contained with stale receipts, are able to manage and set forth new positions to the world; and were they but as the dust and cinders of our feet, so long as in that notion they may yet serve to polish and brighten the armoury of truth, even for that respect they were not utterly to be cast away.—MILTON.

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THE CALCUTTA REVIEW.

No. 254.—OCTOBER 1908.

Art. I.—THE QUARTER.

THE history of the third quarter of 1908 is that of the aftermath of anarchism and sedition. The revelations of Norendra Nath Goswami, the approver in the Alipore trial, stimulated police activity, and domiciliary visits resulting frequently in the capture of incriminating documents, arms, and materials for the manufacture of infernal machines, as well as the apprehension of persons whose loyalty was supposed to be above suspicion, were the daily theme of the newspapers in Bengal, Madras, and Bombay. The preliminary enquiry in the Magistrate's Court at Alipore was unduly prolonged, with disastrous consequence. Arabindo Ghose and his fellow anarchists were detained in the Alipore Jail, and as time went on and public interest waned in the monotonous tale of their misdoings, the precautions of the jailors were relaxed and the prisoners were allowed an extraordinary amount of freedom. The more daring among them caught the chance to complete a plot for the murder of the approver. Their friends outside succeeded in smuggling into the jail hospital some revolvers and ammunition which were entrusted to Kanai Lall Dutt, an undergraduate of the Calcutta University, and Satyendra Nath Bose, a fanatic

Aftermath of Anarchism.

from Midnapore. On Monday, 30th August, Calcutta was startled by the report that Goswami had been shot dead. He had been induced to visit the hospital on the excuse that Kanai Lall Dutt had a confession to make, and was then ruthlessly murdered in spite of a brave effort by two European convict warders, Higgins and Linton, to save him. Kanai Lall and Satyendra were tried at the Alipore Sessions, the former being convicted of murder, but the latter acquitted. Mr. Roe, the Sessions Judge. declined to accept the verdict as regards the second accused and referred the matter to the High Court. The prisoners are still awaiting their doom. The death of the approver is likely to prove a serious embarrassment to the prosecution in the coming trial at the Alipore Sessions of Arabindo Ghose and his accomplices ; he was not cross-examined at the preliminary enquiry, and his *ex parte* testimony is naturally suspect.

Khudiram Bose.

Khudiram Bose, the miscreant of the Mozufferpore outrage, tried every device of the law to escape the rope, but without success. He finally appealed to the Viceroy's clemency making a most abject recantation, but much to the relief of all loyalists in India the appeal was rejected and he was duly hanged at Mozufferpore. He used his last days to write an autobiography which has not yet been allowed to see the light.

Bal Gungadhur Tilak.

The trial of Bal Gungadhur Tilak, the hierophant of the Extremist doctrines, under the reformed Press Act attracted the attention of the whole civilised world. The Judge was a Parsee, Mr. Davar, and there was a mixed jury. The prisoner defended himself with marked ability, but he

was found guilty by a majority of the jury and sentenced to six years' transportation. He was incarcerated at Ahmedabad, but after a month Sir George Clarke, the Governor of Bombay, converted imprisonment into honourable exile, and the old Maharatta agitator was sent to Burma where he is being treated like a political prisoner. The action of the Governor was adversely criticised by a powerful section of the Anglo-Indian Press, but gave much satisfaction to the natives.

G. Subramania Iyer.

Similar clemency was extended by the Governor of Madras, Sir Arthur Lawley, to Mr. G. Subramania Iyer, a veteren Madrasee journalist, at one time editor of the *Hindu*, who published sedition in a paper called *Swadesa Metran*. He apologised amply and took the pledge against sedition. In consideration of his age and physical feebleness he was let off with a caution.

Sedition Trials.

Convictions for the publication of sedition were frequent during the quarter and quite half a dozen journalists in different parts of the country were placed in durance for studied recalcitrancy. A trial which greatly exercised Bengalee opinion as the quarter was closing was that of the Rajah of Narajole and several others at Midnapore for complicity in anarchism. It is not easy at the time of writing to put the situation in its true perspective, but it may fairly be said that the repressive legislation of the previous quarter has had the desired effect of taking the heart out of the propagandists of sedition.

Protestations of Loyalty.

The protestations of loyalty as a counterpoise to the demonstrations of sedition were numerous and widespread. To reassure the public mind the Viceroy in August issued a

communiqué in which he stated that the Government of India had been anxiously watching the progress of events in this country. It must now be admitted that the situation has considerably improved and the passing of the Explosives and Press Acts has actually contributed to it. The tone of the Indian newspapers has improved and practically the Press of Bengal—with one or two notorious exceptions—is free from violent writing. The Press in the Bombay Presidency and even the extreme section of the Maharathi Press are indulging in more reasonable criticisms. The newspapers in Madras and the Punjab have also improved their tone.

Tours of L.-G.'s.

The Lieutenant-Governors of Bengal, Ebassam and the United Provinces made extensive tours and were met everywhere with addresses of loyalty and fealty to the Crown. Only in the city of Bombay was there any overt defiance of authority. The sentence on Tilak was used as a pretext by mischievous agitators to incense the light-headed *ghatee* mill hands to riot. The Police, however, acted promptly and a little blood-letting had the desired effect to restore the health of the constitution.

Opinion in England.

On 1st July Lord Curzon raised a memorable debate in the House of Lords on the situation in India. After condemning the Anglo-Russian Convention, he defended the Partition and rated Lord Morley for throwing Sir Bampfylde Fuller to the wolves. He also declared that the recent repressive legislation was inadequate and the proposed reforms untimely. He was supported by Lord Cromer who referred in scathing terms to the Native Press. Lord Morley defended Lord Minto

who was prepared to maintain law and order at all hazards. Three weeks later, Mr. Buchanan, the Under-Secretary for India introduced the Indian Budget to the House of Commons with a significant speech. Dealing with the political unrest and the recent outrages, he referred to the daily receipt of assurances of support from all sections of the population in stamping out the hateful political diseases. The Government, he declared, would do that by any and every means at their command. We had to recognise the new spirit and political outlook on the part of many educated Indians, and the success of our rule would depend upon whether we were able to attract them to our side. To those loyally accepting our rule, we wanted to offer an active and real interest in the concerns in their own people. It was not a simple problem. If we convince them of the sincerity of our desire for a solution, we shall have the assistance of all Moderates. He did not share the view that all would be well if the partition of Bengal were reversed. What was at present obligatory on them, particularly in Bengal, was to endeavour to improve the work of the administration, and to remove the soreness which had undoubtedly been caused by the manner in which the partition was carried out. Proceeding, Mr. Buchanan said that the object of the Government was to advance fearlessly along the line of constitutional progress, so as to meet as far as possible, in the words of Lord Minto the political aspirations of honest reformers. The final draft of the Reformed Councils scheme on which Sir Herbert Risley was engaged for several months was despatched to Lord Morley by the last mail in September. A statement will probably be made when Parliament reassembles.

Famine in the United Provinces.

The official who gained the applause of the whole country during the quarter was Sir John Hewett, the Lieutenant-Governor of the United Provinces. His greatest achievement was the successful conquest of a dire famine which threatened to devastate the fairest portion of his domain. The following telegram was sent to the Government of India by Sir John Hewett on the 10th September :—"I have much gratification in informing the Government of India that all famine relief operations have been practically closed in the United Provinces. Valedictory doles were given to the few workers remaining on the 29th August and all works closed. Similar doles have also been given to the largely reduced numbers in poor-houses and in receipt of gratuitous village relief. All such doles will have been exhausted by 16th September and the only work remaining will be the disposal of a few unclaimed orphans." The Government of India replied on 11th September :—"The Governor-General in Council has heard with much satisfaction that the position in the United Provinces has now so much improved that you are able to bring famine relief operations to a close and trusts that favourable seasons will now ensure to the people who have suffered so much a rapid recovery from the calamity of the past year. His Excellency has from the outset followed with much interest and sympathy the progress of the relief operations, and desires to congratulate yourself, your officers and your coadjutors amongst the public on the foresight displayed at each stage, on the promptitude and efficiency of the action taken, and on the success which attended it."

The Sanitary Conference.

Believing that sanitation is as important for the regeneration of India as industry and agriculture, Sir John Hewett called a Conference at Naini Tal in September. He made an excellent speech when opening it, part of which deserves to be quoted:—"We may pour out money," he said, "like water on sanitary improvements, all to no purpose, if we do not get the people to realize that they are for their good. Let us not forget that such success as has been attained in England is due to the general readiness of the people to believe that sanitary regulations, irksome though they may appear, are designed for their good and must be obeyed. By what means can we best lead the people of this province to understand this first principle of all sanitary progress? Instruction of the young at schools and colleges will not be without its effect, but what is really needed more than anything, is that educated members of the community should bring home to the poorer classes the merits of practical hygiene. That has been well defined to aim at 'rendering growth more perfect, decay less rapid, life more vigorous, death more remote' In season and out of season those who have learnt the lesson that without sanitation there can be no moral or material progress, should preach to the public on the text that health means happiness. With stronger sinews the daily toil of a generation reared under more favourable conditions than those of the past will become more easy. So shall the earth be led more readily to bring forth her increase. Here we may surely hope lies the road towards industrial progress throughout the land. The goal may appear to be far away and indeed it is, but let us make a start on the road towards it. I feel sure that we could put no nobler aim before us."

The New Member for Finance.

The long expected appointment of Sir Guy Fleetwood Wilson to succeed Sir Edward Baker as Finance Member of the Viceroy's Council was made by the King in August. The delay in announcing the appointment was due to difficulties attendant on Sir G. F. Wilson's service in the Home Civil Service—difficulties which now appear to have been overcome. In the meantime and till November, when the new man will arrive in India, the Hon'ble Mr. Meston will continue to act sub. *pro tempore* as Finance Member.

Obituary.

Sir Harold Deane, the officer Lord Curzon, with his usual judgment of character, selected to be the first Chief Commissioner of the North-West Frontier Province, died in London in August last of paralysis. He went home very ill a few weeks before, anticipating his regular leave, and there was even then very little hope of his recovery among his intimate friends. Like Sir Denzil Ibbetson he was a martyr to duty, and his name will be long revered by the wild Pathans as that of a strong but sympathetic ruler: a master of men. He was born on 1st April 1854.

Half Anna Journalism.

An event of the quarter was the appearance of the *Indian Daily News* in August as a two-pice paper. The *Bengal Harkaru*, the progenitor of the British Indian Street journal, was the first daily paper to be published in India; it was fitting that the descendant should by a step as bold uphold a great tradition for enterprise. Thenew ha'penny, as it is called, is printed on a rotary machine, the second to be set up in Calcutta.

Art. II.—THE MORALITY OF KALIDASA.

PROFESSOR DOWDEN, quoting Wordsworth's words that "every poet is a teacher and he who draws most largely from life and nature is the greatest of such teachers," remarks that "every eminent poet is a master in the formation of character: he trains his pupil in methods of looking at things; and perhaps there is no better mode of a great writer's sanctity and strength and breadth of mind than to observe what manner of man he helps to form." To none are these words more forcibly applicable than to Kalidasa, the greatest of the Indian dramatists. His name is revered as that of one who, by his creative genius, laid bare the pregnant possibilities of the Sanskrit literature whose well-known beauties were as yet a hidden treasure to the outer world. He impressed it with the stamp of his genius which created forms and images which astounded the world by their most lively exuberance and by their kaleidoscopic effects. A lasting place among the great poets of all nations is always assured to him as the master-painter of nature, and of those shades of emotions and feelings which agitate the human mind. "Tenderness in the expression of feeling or richness of creative fancy" is a feeble description of the lofty efforts of one who soars high by his own intuition, and inculcates lessons which for practical wisdom and ethical beauty are hardly surpassed in any literature. Goethe's admiration of *Sakuntala* is too well known. Mons. H. Fouche thinks that "there is nothing so perfect in the eligiac literature of Europe as the *Maghaduta* of Kalidasa." The *Raghuvamsa* too has equally earned the willing tribute that "it is a splendid monument of his genius and has been distinguished

for the beauty of its similes and the power of imagination displayed by the Indian Shakespeare, Kalidasa, who exemplifies in his writings the truth of Coleridge's remark that 'the great book of nature has been the music of gentle and pious men in all ages'."

We are not, however, concerned here with these broad characteristics of Kalidasa's genius as a dramatist and as a poet generally, but with the part he played as a great teacher, as the philosopher and guide who had human interests at heart and had conserved them by forcible utterances conveying great truths. He had no charm for "intellectual abstractions" and "doctrinaire theories" which have little bearing on the actual realities of life. He set to himself the task of revealing real life, having studied it in all its various subtleties and "searched through all its secret windings and cavernous abysses." It was far from him to contribute to unprofitable amusement or to tickle childish fancy, by jingle of words and elaborate word-painting, by which certain poets sought to create an impression. It will be our purpose here to examine and expound the ethical ideals presented by Kalidasa in his own inimitable manner. Such of those expressions, precepts and sayings which have an ethical significance and which are found scattered in his works will be culled out for the purpose of illustrating the kind of moral teaching aimed at by our great poet. The worldly wisdom which he conveyed in pithy generalizations and with rare force and persuasiveness is the best legacy that he had transmitted to posterity who gratefully remember him for it, in preference to the many subtleties of expression, figures of fancy, and flourishes of rhetoric with which his works are otherwise replete.

Humility is a virtue on which Kalidasa is not tired of expatiating at any length. He illustrated its practical application in his own case, when, in composing the Raghuvamsa, he was modest enough to compare his poetical efforts to the futile attempts of a pigmy who, in his greediness, stretches his dwarfish arms to pluck fruits which are within the reach of only tall men. (Raghuvamsa, I. 3.) His modesty is such that he lays down the golden rule that no knowledge of the arts deserves to be ranked high, till it passes through the crucible of the appreciation of the wise: for the learned are always diffident of their own powers, however highly developed they may be. (Sakuntala, Act I.) Pandita Kausiki, a female ascetic and companion of Queen Dharini, when she was nominated by the King Agnimitra as umpire to settle the dispute between two professors of music and dancing, in recognition of her critical proficiency in the fine arts, makes the modest observation that "while there are towns where precious stones can be examined, there is no use of taking them to villages." In other words, she felt strange that, when there was the assembly of learned men like the king and others of his court, she, comparatively an illiterate woman, should be entrusted with this responsible commission. (Malavikagnimitra, Act I.) It has been remarked that "it is a characteristic of Kalidasa's writings that they all begin with a charmingly modest introduction marked by great diffidence. The great poet never thinks that he has done well, until what he has done is pronounced good by the learned. * * * Bhavabhuti and others, on the contrary, do not consider it at all inconsistent with modesty to give long descriptions of the genealogies and of their attainments. Some of them again, Bhavabhuti, for example, are defiant and challenge the public in their introductions."

When Maricha compliments Dushyanta on his success in vanquishing the Rakshasas, the inveterate enemies of Indra, and blesses him with "future glories in the two worlds," the King in his humility simply says "I shall try to achieve fame as far as it may lie in my power." (Sakuntala, Act VII.) Pururavas, being praised by the celestial damsels for the great valour displayed by him in rescuing Urvasi from a powerful demon, observes that "his success is due to the great mightiness of Indra, just as even the far-reaching echo of a lion in a remote cave is enough to frighten elephants." Chitradhara admires his modesty which he considers "an ornament of valour" (Vikramorvasi, Act I.) "While each of the three things in this world, *viz.*, wealth, youth and beauty is enough to turn the heads of some men, King Atithi was unswayed by them and was the same modest ruler." (Raghuvamsa, XVII. 43.) "Immense wealth does not make good men proud, just as trees bend with the weight of their fruits and clouds laden with water come down to the earth." "Though doing the most meritorious actions, he felt ashamed at any flattering language used towards himself." (Raghuvamsa, XVII. 73.) "The natural modesty of the princes of the solar race, improved by education and strict discipline, just as the natural splendour of the fire is augmented by the oblations of ghee." (Raghuvamsa X. 79.)

"Of great riches," says Bacon, "there is no real use, except it be in distribution. * * * Seek not proud riches, but such as thou mayst get justly, use soberly, distribute cheerfully, and leave contentedly." Similarly wealth was regarded by Kalidasa as a means to an end, that end being its distribution among the poor. (Purvamegha 57 and Raghuvamsa, IV. 86.) He also

thinks that "it should be acquired, because it gives one a position in society and makes the possessor an object of regard." (Raghuvamsa, XVII. 60.) His profound knowledge of the human nature is shown by this most shrewd observation. Can it be doubted that one important means of securing undoubted position in society is wealth, by which one's ambition can be gratified? It is the chief passport to recognition, fame and all that makes a man noble, philanthropic and patriotic in the eyes of the public.

Though Kalidasa's religious philosophy made him lean to the theory of renunciation as a means to salvation, he was still materialistic enough to admit the immense utility of mundane existence and the possibilities of good accruing from it. The performance of all duties, religious and social, depends upon the state of preservation of the human body. He here differed from those philosophers who hoped to attain bliss by severe penances and bodily mortification. Siva, in the disguise of a bachelor, interrogates Parvati as to whether her delicate body could stand the strain of the severe penance that she was undergoing and says that the fulfilment of the fourfold duties (Dharma, Artha, Kama and Moksha) is secured only so long as the health of the human body is preserved. (Kumarasambhava, V. 33.) "Dilipa's religious penances were free from self-inflicted sufferings." Early rising was a habit inculcated by Kalidasa, as conducive to the best health. The solar Kings were well known for their punctual rising (Raghuvamsa, I. 6.) He regards game-hunting as the best sport for Kings. "Hunting initiates one into the art of accurately aiming at moving objects, apprises one of the fear and ferocity of the game animals, and endows the body with the qualities of briskness, on

account of the necessity for overcoming fatigue." (Raghuvamsa, IX. 49.) That methodical habits conduced to health were variously expressed by him.

Kalidasa considers self-control as a great virtue in a man. "He only can be called resolute whose mind does not give way to temptation." "No trouble or difficulty can shake the resoluteness of those that have self-control." (Kumarasambhava, I. 59 and III. 40.) Dushyanta says that the minds of Pururavas could never be directed against objectionable purposes. When Sakuntala presents herself before the king, he tries to describe her to himself as she then appeared, but checks himself by saying that "it is wrong to look at another's wife." (Sakuntala, Act V.) Pururavas, on Urvasi taking leave of him in obedience to the commands of Indra, with great difficulty exercises control over himself and remarks that Indra's orders should be at once obeyed, even though they are calculated to immerse him in sorrow at her impending separation. Next to self-control, nothing can be more laudable in a virtuous man then self-continence.

Agnimitra is quite content with the genuine love of Malavika for him, though it might not be actually gratified: for he says "now that he has learned that Malavika is as anxious and love-sick as he himself, and that he is himself the object of her passion, he would not care even if he and his mistress should die without ever being joined in actual wedlock. For he had rather that two persons loving each other equally should never be able to marry, than that, if they are not really passionate of each other, but one of them indifferent and the other panting with love, they should come in contact and be married." (Malavikagnimitra, Act III.) Notwithstanding the polygamous character of

Kalidasa's heroes—which was a characteristic sign of the times—they never exceed the limits of decorum either in their expression of love or addresses to their sweethearts. Dushyanta thinks that when his mind, so steadfast and under control, is attracted by the charms of Sakuntala, there is no doubt that she is in a position to be married by a Kshatreya like himself, "because under conflicting circumstances, the minds of the good are the best guides." (*i.e.*) they do not lead them away from the path of righteousness (Sakuntala, Act. I.) Pururavas though love-sick at the sight of Urvasi, still deplores within himself that his mind should hanker after "unattainable object." (Vikramorvasi, Act I.) The princes of the solar race married only for progeny (Raghuvamsa, I. 7.) The evils of incontinence are nowhere more fully described than by Kalidasa. Agnivarma, though he for some time ruled his kingdom wisely, soon became devoted to amorous pleasures in the company of lewd women and was also addicted to wine. His excesses began to react upon his health. He would not take the advice of his physicians: "for the organs of sense when once they have tasted pleasures, are with difficulty restrained from pursuing them." (Raghuvamsa, XIX. 49.) At last a victim to consumption, he died in the prime of his life, unable to withstand the temptations of the sensual pleasures which had brought about his premature decay.

Where Bhavabhuti and other poets describe "nature and passions in their magnificence," Kalidasa is well known to excel in the description of those softer feelings such as love, which is so human in character as to be realized by all. Love—"new-born love"—is the theme of all his poetry. In the heyday of spring, when nature presents its gorgeous appearance, when, "sequesterep

groves and flowery banks fanned by odorous winds, and watered by purling rivulets, when the hum of bees, and the notes of birds, proclaim the never-dying spring" Kalidasa sees the best occasion to depict those delicate phases of love to which moon-struck lovers become willing victims. But in the delineations of the delicate sentiment, he is never coarse, nor does he give unbridled rein to his flights of imagination in dealing with difficult situations. Love degenerates into carnal lust in other poets. But with Kalidasa it is a superior passion which can be indulged in without grossness or rudeness. Though consumed by his passion for Malavika, Agnimitra's love is always pure. He never shows any desire for hasty or unlawful gratification of his passions. Dushyanta's passion for Sakuntala is always under restraint. When Sakuntala is gently forced to stay, she warns him that he should curb his passion and that though herself consumed by love for him, she can never act independently, till her foster-parent gives his consent to their union. When in a state of forgetfulness the King discards Sakuntala as his wife, Sarangarava, an ascetic attendant on Sakuntala, is provoked into remarking that "a secret friendship between two persons who do not know each other's minds, often results in misunderstanding." (Sakuntala, Act V.) When Siva, pleased with the trying penance of Parvati, manifests himself before her in his true form and says that he is her slave, having been purchased by her penance, she is modest enough to observe that she is entirely in the hands of her father who should be consulted on the subject of her marriage with him. (Kumarasambhava, VI. 1.) No amount of rebellious passion can make Kalidasa's heroes exceed the limits of decency. They are under prudential restraints, till they are united with the consent of their parent or

guardians. Kalidasa is unique in describing chastity of love and purity of passion in general. No grossness characterizes his description and no indecent haste mars the progress of true love.

Kalidasa's chivalry and respect for women are illustrated everywhere in his writings. King Raghu, having first alighted from his chariot, helps his queen to alight. (Raghuvamsa, I. 54) When Sakuntala is continually pestered by a bee and cries for help, Dushyanta hastens forward, and asks "who can dare to molest you so long as Dushyanta is here to protect the helpless." (Sakuntala, Act I.) When the female companions of Urvasi cry for help when the latter was being carried away by a Rakshasa, Pururavas most chivalrously offers his help in rescuing Urvasi from the demon and expresses his anxious solicitude till she recovered completely from her swoon. (Vikramorvasi, Act I.) Nothing can be more pathetically beautiful than the gentle warning of the banished Yaksha who sends message to his wife through the "Cloud-messenger" that "if he should at the time of his visit, find his wife asleep, he should wait there for three hours by sitting near her without making noise and then gently wake her by means of a breeze cooled by drops of thy water." (Uttaramegha 36.) When Malavika was secured in a prison-house by Queen Dharini at the instance of the jealous Iravati, the King's Mistress, the King was simply surprised at the unjustifiable wrath of his queen but never thinks of countermanding her orders out of respect for her. (Malavikagnimitra, Act IV.) Himalaya, on being approached by the seven Rishis with a request on behalf of Siva for the hand of Parvati, though he himself approved of the match, still awaited the consent of his wife, for "husbands see through the eyes of their wives in

the matter of the welfare of their daughters." (Kumara sambhava, VI. 85.)

The ideal character of housewives is most beautifully described by Kalidasa, reminding one of Tennyson's sentiments. "A housewife is a counsellor, companion in solitude, a beloved pupil in the fine arts." (Raghuvamsa, VIII. 67.) Kasyapa's words to Sakuntala on her leaving his Asrama for her husband's house are the most wholsome advice that was ever given to housewives. "Pay obeisance to and serve your elders; befriend your co-wives; never go against the wishes of your husband, though he may lose temper and chide you; be agreeable to your attendants and servants; let not your affluence make you proud, thus do women attain to the position of good housewives, those who behave differently are the curse and bane of the family." (Sakuntala, Act IV.) No nobler ideal was ever prescribed for the virtuous conduct of women. This is the quintessence of domestic morality that any moralist can teach. Everywhere in Kalidasa the blessing given to a housewife is that "she should win the esteem of her husband." Queens Dharini and Asurani, though they were offended with their husbands for their *liaison* with Malavika and Urvasi, take the earliest opportunity to obtain forgiveness and effect reconciliation. The wife of Himalaya was in perfect agreement with her husband when he proposed the marriage of Parvati with Siva; "for chaste women do not transgress the will of their husbands." (Kumarasambhava, VI. 86.)

If these are the dicta enjoined on good women, the fidelity of husbands is spoken of in equally glowing terms. After the solemnization of the marriage ceremony, the priest pronounces the following blessing over the couple (Siva and Parvati) "This flame be witness of your

wedded life, be just, thou husband, and be true, thou wife." (Kumarasambhava.) Raghu, after the death of his most beloved wife, passed eight years with great difficulty during the minority of his son, though the dart of his grief broke his heart. He thus mourns the loss of his wife: "All love is at an end, pleasures are no more: music has ceased; the season is now without festivities; there is no use of my ornaments; and my bed has become vacant to-day." (Raghuvamsa, VIII. 92-95.) Rama, after he sent Sita to the forest, remained a widower, brooding over the separation. (Raghuvamsa, XIV. 87.) A wife, though discarded by her husband, must stay in her husband's house, for "that is the wish of her relations." To live apart from her husband, even during his displeasure, is blameworthy. When Dushyanta, disclaims Sakuntala altogether, Saradvata, a pupil of Kasyapa, who accompanies her is satisfied that he has done his duty by leaving her in her husband's house. He simply reminds the King, "here is your wife; it is for you to turn her out or keep her; for it is but proper that a husband should have absolute control over his wife." When Sakuntala attempts to accompany him, he gently reprimands her, "why do you, jealous woman, act defiantly like this. If you are as represented by the King, of what use are you to your parents, who have thus transgressed all family etiquette? If you are able to realise what your future conduct is to be, menial servitude in your husband's house is preferable (to your stay at your parents' house)." (Sakuntala, Act V) Parvati, beautifully decorated as bride, was eagerly awaiting the arrival of her future husband, Siva, for "her decorations have for their object the admiration of her husband." (Kumarasambhava, VII. 22.) Rati, the wife of Manmatha, after his death, cursed her beauty, "for beauty of women has for its object the winning

admiration of their husbands." Yaksha's wife, after his banishment, changed considerably in appearance, "her eyes swollen on account of excessive weeping with lips deprived of their colour on account of the heat of the sighs and partly visible owing to the hair hanging loosely on it." (Uttaramegha 23.) Such is the life led by good women during their husband's absence from home.

Kalidasa had the highest admiration for the talents and intellectual capacity of women. "It is worthy conduct that commends itself to the good, independently of sex considerations." (Kumarasambhava, VI. 12.) Agnimitra had a high regard for the attainments of Parivrajika, a female ascetic, whom he calls Pandita. He refers to her the settlement of a dispute between two professors of dancing. She shows her practical wisdom by remarking that her verdict by itself might not prove satisfactory, "because the individual opinion of one, however wise he or she may be, is not infallible." (Malavikagnimitra, Act I.) Kalidasa credits women with ready wit as their natural characteristic. When Goutami helps to refresh the memory of Sakuntala as she was recounting to the King certain reminiscences of their honeymoon life in the hermitage of Kanva, Dushyanta taunts Goutami with saying that she illustrates in her person the ordinary saying that "ready wit is a natural characteristic of women." (Sakuntala, Act V.) Siva requests Arundhati also to accompany the seven Rishis for negotiating his marriage with Parvati because "it is elderly ladies like Arundhati, that are the most eloquent pleaders in such matters." (Kumarasambhava, VI. 32.) The Queen Asurani, even when highly offended with the King whom she caught in the very act of searching for the letter of Urvasi, thinks that "she is not afraid to

disregard the supplication itself (of the King) (because she knows it is insincere,) but she is afraid her conscience will smite her for the hauteur with which she has spurned the King's supplication." (Vikramoroosi, Act II.)

The higher classes of women in Kalidasa are always refined and possess civilized manners. Agnimitra's daughter is engaged in ball-playing, which is also a favourite pastime with Parvati. (Kumarasambhava, I. 29.) In the royal household of Agnimitra, many were painters and singers. Vakulavalika, the attendant of Malavika, was a disciple in painting of the King who was well known for his proficiency in painting. Malavika, though not at first known as a royal princess, was taught music and dancing as befitting the position of a chambermaid of Queen Dharini.

Such are a few lessons in morality which we learn from Kalidasa. It is said that "the greatest men see the wide vision of life and as they gaze upon that vision, it calms them and satisfies them and they care not to boast or preach but only to say what they have seen." In a similar way, Kalidasa records what he sees around him and deduces his own lessons from his observation. In so doing he imparts practical wisdom with a view to enable one to steer clear of the rock of human misery by light-heartedness and contentment. His precepts are valuable as showing the right direction of conduct, which if followed, leads to true happiness. In the words of a great critic, "He instructs us before all else in the physiology of the passions, and under his influence, we come to feel that the wisdom of life resides less in mere prudence than in finding for them their right direction."

C. TIRUMALAYA NAIDU, M.R.A.S.

Art. III.—THE FOUNDATION OF VIRTUE.

THE source or basis of all morality rests on a belief in (*a*) the existence of God, (*b*) the immortality of the soul (the future state) and (*c*) the freedom of will.

According to Des Cartes, the father of modern philosophy, in order to know God as far as our nature admits, we have only to enquire respecting any attribute whether it possesses an element of perfection or of imperfection and to admit or reject it accordingly. This rule excludes from his nature all such mental conditions as doubt, inconstancy, sadness. And that our ideas of material things are not to be applied to him appears from this, that they are totally foreign to an intellectual nature and represent properties which could be combined with such a nature only by composition; and since composition is in itself an evidence of dependence and dependence is a mark of defect, God cannot be composed of two natures; but if there be in the world bodies or minds that are not perfect, they must depend upon His power so as to be unable without Him to subsist for an instant. Thus Des Cartes obtains his second certainty, the existence of God. This like the first (the consciousness of self as the subject of thought) he regards as immediately given or self-evident without going beyond for proof or verification, a grade of certainty which can go no further. According to Hamilton, in postulating a self-sufficient cause, infinite in power and eternal in duration, we postulate more than is logically sufficient to account for known existence. If, therefore, there be any warrant for this affirmation, it cannot be obtained by a logical process. It cannot be logically competent to reason from finite existence to infinite—

from restricted existence to that which is self-sufficient. To postulate a cause simply adequate to produce known existence satisfies the immediate claim of intelligence. Accordingly the truth of the conclusion may be accepted merely as implying conformity with laws of thought though there be no means at command for verifying the supposition as to the existence of such a cause. The conclusion is thus of only a general nature such as this; in the cause there must be at least sufficient power to produce the effect.

Logical processes are insufficient for reaching this high truth. Thus far Comte is correct in speaking of inaccessible heights, but the mind is not restricted merely to observation and logic for the discovery of truth. There is in the nature of reason itself provision for the recognition of higher truth.

The reality of the Divine Existence is a truth so plain that it needs no proof, as it is a truth so high that it admits of none. It is not the clearness of the idea or conception of God which proves His existence, for it is not a conception so clear to the mind of all men as it was to Des Cartes, but often a conception rather vague, because not analytically examinable. But there is certainty of belief in the Divine Existence supported by reference to finite existence thereby explained. This is an intuitional belief, while that of infinite regress of finite causes is a logical belief. The former is a belief so fundamental to human life that men accept and apply it without question. On the admission that the belief is natural to the human mind, it is possible to find a general harmony of ascertained facts. It is the common original idea of a great Ruler which is the explanation of the common features of belief and religious practice throughout the world. In harmony with this view, it is

obvious that the idea of God becomes more comprehensive and self-consistent in all its features as people advance in intellectual activity. The belief in the Divine Existence which is first accepted as a determining force in practical life is afterwards accepted as the only adequate solution of the problem of finite existence. It is thus that the natural belief in the existence of God comes to have associated with it a fuller, clearer conception of the nature of the Supreme Being. In this way also the conception receives its true scientific place and application. From these considerations it appears that the legitimate use of a discursive process is not in an attempt to reach the fact of the Divine Existence as a logical conclusion, but in testing the harmony between the belief and the facts of existence. This latter use of the reasoning process is in accordance with the scientific methods followed in all departments of investigation. When the mind makes enquiry as to the existence of a being self-sufficient and supreme, it is certainly more in accordance with the limits of logical proof that it should advance from belief to confirmatory evidence than that it should attempt to pass by its own strength from restricted existence to the transcendent grandeur of infinite being.

Belief in the Divine Existence is confirmed as the range of discovery extends our knowledge of the universe. With this belief given, the argument from design rises to a conspicuous place as an argument confirmatory. The argument from design is admirable as an inference from the nature of the effect to the nature of the cause, but it presupposes the truth that there is a first cause.

The beautiful and harmonious design manifest in the universe unmistakeably points to an intelligent

Designer; and as from our knowledge of Matter, which consists only of its properties, such as length, breadth, thickness, elasticity, cohesion, etc., we cannot by any process of combination or division, evolve thought or intelligence, it is a highly gratuitous assertion that the universe is the result of a fortuitous concourse of atoms, that there has been cosmos out of chaos. The fact that the Designer is not cognisable to the senses does not affect our knowledge of Him. The mind, as well as God, is invisible; yet we know what our mind is, *i.e.*, we know the mind by its faculties, such as perception, imagination, memory, attention, etc.

According to Addison, God has in Him all the perfection of a spiritual nature. And since we have no notion of any kind of spiritual perfection but what we discover in our own souls, we join infinitude to each kind of these perfections, and what is a faculty in a human soul becomes an attribute in God. We exist in place and time; the Divine Being fills the immensity of space with His presence and inhabits eternity. We are possessed of a little power and little knowledge, the Divine Being is Almighty and Omniscient. In short, by adding infinity to any kind of perfection we enjoy, and by joining all these different kinds of perfection in one being, we form our idea of the Great Sovereign of Nature.

Locke holds similar views. In his opinion, the complex ideas we have both of God and separate spirits are made up of the simple ideas we receive from reflection, *i.e.*, having, from what we experience in ourselves, got the ideas of existence and duration, of knowledge and power, of pleasure and happiness, and of several other qualities and powers which it is better to have than to be without, when we frame an idea the most suitable we can to the Supreme Being, we enlarge every one

of these with our own idea of infinity; and so putting them together make our complex idea of God. "Belief in an infinite being," says Mansel in his "Philosophy of the Conditioned," "involves such knowledge of his nature as to distinguish his existence from all other existence. Belief is the assent of the mind to a truth, while the reality so acknowledged is not matter of observation."

Thus, facts which we accept on the testimony of others, propositions to which we assent without being able to complete their verification, and such a transcendent fact as the Divine Existence, are matters of faith. But faith is the exercise of an intelligent nature, apart from which it is impossible. Assent cannot be given except on condition of an apprehension of truth sufficient to distinguish it from all other known truth. Since then a belief in the Divine Existence belongs to us, this implies some knowledge of the divine nature.

As truly observed by Professor Calderwood, belief in the Divine Existence harmonizes with the religious instinct of our nature, which is the source of that widespread religious life which appears in the world under a multitude of forms. When subjected to analytical investigation, it is distinctly marked by two prominent features, first, the sense of dependence on higher power which is the spontaneous experience of a nature sensible of its inherent weakness, and subjection to governing forces in the universe; and, second, reverence of feeling for the perfection belonging to the absolute being. These two are the essential elements of the religious instinct swayed by the fundamental belief in the Divine Existence. The harmony of faith with such feeling is complete. Only n such faith can a harmony be found.

THE IMMORTALITY OF THE SOUL; OR, THE FUTURE EXISTENCE.

In verse 23, chapter II. of the Bhagavat Gita the nature of the soul is thus described. Weapon does not cut it; fire does not burn it; water does not dissolve it and wind does not dry it up. Both the Vedas and the Institutes of Manu affirm that the soul is an emanation of the all-pervading intellect and that it is necessarily destined to be re-absorbed. They consider it to be without form, and visible Nature with all its beauties and harmonies is only the shadow of God. The problem of the immortality of the soul, which is the basis of morality, mainly depends for its solution on a consideration of, first, the nature of the soul itself; second, the nature of the Supreme Being. Our belief in a future existence is deducible from two facts, first, the soul's infinite capacity of perfection, second, the disparity of worldly conditions—the general suffering of the virtuous and the prosperity of the vicious. Addison puts the first fact very eloquently and logically when he says: "Would an infinitely wise being make such glorious creatures (men) for so mean a purpose? Can He delight in the production of such abortive intelligences, such short-lived reasonable beings? Would He give us talents that are not to be exerted? Capacities that are never to be gratified? How can we find that wisdom that shines through all His works in the formation of man without looking on this world as only a nursery for the next, and believing that the several generations of rational creatures which rise up and disappear in such quick succession are only to receive their rudiments of existence here and afterwards to be transplanted into a more friendly climate where they may spread and flourish to all eternity?"

Again, consistently with the mercy and justice of God the belief in a future state irresistibly forces itself upon our mind as without such state, virtue would remain unrewarded and vice unpunished considering the short span of our earthly existence. In a future existence alone can the doubt of Providence's sway created by daily observation that "virtue vice obeys" be cleared up by a nice and just adjustment of their unfair disparities of condition here. Self-renunciation or self-denial would lose much of its motive force in the eyes of *yogis* and *sannyasis* if the prospect of the next world were not held up to their view. Will not society be utterly disorganized and demoralized if the check of ultimate punishment, in itself insufficient to restrain vicious courses of life, is removed? It is easy to imagine that frail and weak as men are, they will run headlong into all sorts of dissipation and corruption if the remote consequences of their deeds are lost sight of.

The Freedom of Will.

It is needless to expatiate on this subject as the freedom of will has been clearly and satisfactorily established and vindicated by modern philosophy. Self-determination and motive-determination are the respective points between the rival theories of liberty and necessity. Motive is impulse to an act; will is power of determining whether to act or not to act; and in the event of acting, whether to act in this or that way; motives do so far determine the will as to fix the direction and form of the volition; this, however, establishes nothing as to the power or force to control the will, though it does discover a measure of exercise on their part independently of will. Freedom of will, as known in consciousness, is control over the whole nature by means of the control we have

over the understanding. The understanding must be able to compare motives with some standard of judgment or rule of conduct—must be able to go forward in thought and forecast the form and tendencies of different actions, in order that there may be any real choice or self-determination in acts. The hypothesis of free action as the law of exercise for the will itself, is the only one which harmonizes with the facts of consciousness. According to Dr. Martineau, either free-will is a fact or moral judgment a delusion. We could never condemn one turn of act or thought did we not believe the agent to have command of another; and just in proportion as we perceive in his temperament or education or circumstances the certain preponderance of particular suggestions and the bare approach to an inner necessity, do we criticize him rather as a natural object than as a responsible being and deal with his aberrations as maladies instead of sins. The ordinary rule which, in awarding penalties of wrong, takes into consideration the presence or absence of violent temptation, assumes a personal power of resistance never wholly crushed but sometimes severely strained. Were we in our moral problem as much at the mercy of the laws of association as we are in our efforts to remember what we have forgotten or to invent what is wanting in a design, we ought surely to look on the guilty will with the same neutrality as on the failing memory or untertile imagination. Moral judgment then postulates moral freedom; and by this we mean, not the absence of foreign constraint, but the presence of a personal power of preference in relation to the inner suggestions and springs of action that present their claims. Every verdict implies preference; every preference comparison; every comparison things compared

and grounds of resemblance and difference between them. It appears thus that Necessitarianism has difficulty in accounting for the consciousness of moral responsibility and for the justice of personal liability to punishment. If a man cannot help as he does, it cannot be just that he should be punished for what he cannot help. A philosophy of the moral sentiment including self-approbation and self-condemnation, shame and remorse, is peculiarly difficult under the Necessitarian hypothesis.

K. C. KANJILAL, B.L.

Art. IV.—HISTORY OF JOURNALISM IN INDIA.

VI.

I.—Bengal.

LORD RIPON was succeeded by Lord Dufferin as Viceroy of India in December 1884. The latter came with the express purpose of throwing oil over troubled waters created between the rulers and the ruled by the ill-fated Criminal Jurisdiction Amendment Bill, otherwise known as the Ilbert Bill, and assumed towards the Indian Press an attitude that highly bespoke his statesmanship and broad-mindedness. The liberties and privileges which the Indian Press enjoyed during the *régimé* of his predecessor were not only allowed to be unaffected, but Lord Dufferin allowed some of the Indian editors to have confidential communications with him regarding matters of state. To the servants of Government he allowed unrestricted permission to contribute to the Public Press. Towards the end of his Viceroyalty, when Sir Lepel Griffin, then Agent to the Governor-General for Central India, became the object of vitriolic attack by the *Amrita Bazar Patrika* of Calcutta, he refused permission to institute a prosecution of the paper on behalf of the Government of India as he thought such a course would expose the Indian Press to a great danger. He thought more of the liberty of the Indian Press than of the character of the public servant assailed who was certainly at liberty to vindicate himself from the aspersions by a private prosecution. Thus he decided an important principle of action for the Government of India in cases wherein their servants are attacked and

libelled in the Indian Press.* The following correspondence between the Viceroy and his Agent for Central India will clearly show with what keen farsightedness the great Viceroy protected a valued privilege of the Indian Press, that is, their liberty to comment on the actions of public servants.

From—Sir Lepel Griffin, K.C.S.I., Agent to the Governor-General for Central India.

To—The Secretary to the Government of India, Foreign Department, dated Indore Residency, 28th January 1888.

I have the honour to acknowledge your letter No. 154-1, dated 12th January 1888, in which you convey the decision of the Governor-General in Council on my letter No. 109-P.-579 of 9th November 1887, requesting that the Government will criminally prosecute and adequately punish the *Amrita Bazar Patrika* and other newspapers, which have for many months been publishing false and malicious libels on me, on the Government I serve and represent in Central India, and on Colonel H. E. Ward, the Minister of Bhopal, in connection with the official action which has been taken to purge that State from oppression and degrade and punish its tyrant.

2. You inform me that the Governor-General in Council, after careful consideration of my representations, has decided that it is neither necessary nor expedient, in the interests of the Government of India, to publish the correspondence relating to Bhopal affairs, or to institute a criminal prosecution against the *Amrita Bazar Patrika*. You are further directed to say that the Governor-General in Council is confident that the

* In consequence of this decision of Lord Dufferin, Sir Lepel Griffin resigned the service and retired immediately after.

policy of the Government needs no vindication against attacks such as those I have brought to its notice ; and His Excellency the Viceroy fully agrees with me in thinking that I can personally afford to treat them with indifference.

3. Against this decision of the Governor-General in Council I venture with the utmost respect, but most energetically, to protest, on grounds of law, of equity and of policy, and I ask the Government, after a consideration of these further observations, to either enforce the law of the land which is violated with impunity, or publicly and officially to express their full confidence in and their approval of my acts in Bhopal.

4. Seeing that the Governor-General in Council has decided that the interests of the Government of India do not make a criminal prosecution either necessary or expedient, I would base my application on more personal grounds, and ask that such steps be taken as may clear my honour from attacks made upon me. I have before said that I care little for hostile criticism, and I readily allow that the abuse of the seditious and bought Press of Bengal is the best proof of the rectitude of the person they attack, as their praise is, in the eyes of honest men, the just condemnation of him who deserves it. But there is a limit to the tolerance of criticism ; and that limit is passed when, instead of the honest denunciation of a public man and his measures, an official is accused of every form of tyranny, meanness, corruption and oppression, through months and even years, while the Government makes no effort to defend him in the eyes of the world, or to punish his malicious detractors, who are paid for their libels in the same manner as is an assassin for a dagger thrust in the back of an enemy.

5. I would invite the Governor-General in Council for a moment to consider the analogy which Ireland furnishes. The Government there are exposed to odium and abuse because they have wisely resolved to uphold and enforce the law; recognising that this is the first duty of a civilised administration, and if it be neglected society relapses into barbarism. Not only do they uphold the existing law, but finding that it is insufficient to meet the circumstances of the case, they have had recourse to special and more drastic legislation. If it be said that the libellous abuse of the Irish Nationalist Press is not ordinarily the subject of criminal prosecution, I would reply that the Irish Government has, at present, quite enough on its hand in the suppression of violent crime and open treason, and does not care to be diverted from its direct path by actions for libel. When active treason has been crushed, criminal libels against honorable officials will doubtless receive attention and condign punishment.

6. But what is far more relevant to my argument is that the members of the English Government attacked by the Nationalistic Press, whether Mr. Gladstone or Sir George Trevelyan or Mr. Balfour, have, and freely, exercised the right of private defence in the Press and on the public platform, while members of the Government to which they belong or which they serve, from the Prime Minister downwards, defend and support them energetically and in the face of the world, in and out of Parliament.

7. If we turn to India a very different spectacle is presented. The only persons to whom full liberty or, rather, license is allowed are the hired bravoes of the Press, and officials whose services entitled them to honour are condemned to a silence which is

misunderstood, while exposed defenceless to all ignoble abuse. The Government, when appealed to for protection, declines to enforce its own law which is daily defied, which it would seem bound by every consideration of right and self-preservation to uphold, and the solemn maintenance of which is the chief reason for the existence of all civilised governments.

8. I take my stand on the law of the land, and I ask that it may be enforced. A single malicious libel it may be convenient for the Government to ignore or refuse to prosecute, but those of which I write may be counted by hundreds, and I doubt whether a number of the *Amrita Bazar Patrika* has been issued for months on which criminal proceedings might not be successfully instituted. I annex a few numbers of the papers, not specially selected, and probably far from the worst, but merely because they are the only ones I find at the present time in my office. It is impossible for the Government to feign ignorance of the libels. They are spread broadcast over India and form a large part of the selections from vernacular newspapers which come under the personal observation of the Governor-General in Council. If it be unnecessary and inexpedient to enforce the law of libel, and if paid scoundrels are permitted to attack the honour of high officials at their pleasure, daily, weekly, monthly, let the section referring to defamation be expunged from the Indian Penal Code. What grosser violation of the law can be instanced; what case more calling for severe punishment; what more malicious and persistent attacks and more destitute of foundation in truth or fact? If one offence under the Penal Code may be committed with impunity every criminal may logically demand that the sections which concern his offence and punishment may equally

remain a dead letter. The Government of India will undoubtedly concur in the opinion of their distinguished Legal Member, Sir Henry Maine, when in his work on "Popular Government" he observes :—

"If any Government should be tempted to neglect even for a moment its function of compelling obedience to law, if a democracy for example were to allow a portion of the multitude of which it consists to set some law at defiance which it happens to dislike, it would be guilty of a crime which hardly any other virtue could redeem and which century upon century might fail to repair."

9. I am surely entitled to the protection of the Government if I ask for it. For seven years I have administered Central India as Agent to the Governor-General with the full approval of two Viceroys, and I cannot leave India as is my wish in April, with any cloud upon my official reputation. I have received nothing but praise and confidence from the Indian Government. I can point to the change which has been effected in Central India during my term of office; to the public works which cover the country; to transit dues everywhere swept away; to the development of Rewah; the re-organisation of Gwalior; the surrender of the Gwalior fortress to the house of Scindia; the loan of 30 millions sterling by that State to the Government to the great advantage of both; to the clearing of the Augean State of Bhopal, which is at the same time the best work I have done, and that which has brought upon me the libels of which I complain. With all that I have done in Bhopal the Viceroy has expressed his full concurrence and approval, and your letter of the 10th of January 1887, conveying the special commendation of the Secretary of State, said :

"His Lordship has been pleased to express his sense of the vigour, judgment and discretion which has been displayed by you in the conduct of this long, difficult and delicate undertaking, now, through your efforts, brought to what promises to be a successful termination."

Lastly, I am confident, and the Government too knows it well, that in the future, no act or document of mine, through these seven years, will ever be produced which could not be approved by loyal and honourable men. Feeling this, I may be excused if I am unable to accept with equanimity the decision of the Government to do nothing. Their silence is a greater injury to me than any abuse of the Press which can only be believed because the Government neither denies nor punishes it.

10. The malice and bad faith of the attacks on the Government Policy in Bhopal are found in the notorious fact that they are instigated by the ex-Nawab Siddik Hossein, that many of the libellous journals are in his pay and the documents which are perverted and misrepresented to support his case are supplied from the private office of the Bhopal Durbar. This I clearly prove in the first annexure to this letter. What interest beyond money has the Bengalee Press in Bhopal or Siddik Hossein? They were probably ignorant of its existence until they were paid to denounce the Government by the very man who had been punished and who had unlimited wealth at his disposal. Why do not the same papers denounce the action of Government in Jhallawar whose young chief has been deprived of powers or in Tonk, where the Political Agents control the Council? For the reason that it has not as in the case of Bhopal been made worth their while to do so.

11. Even at the risk of wearying the Government, I must in a few sentences repeat the well-known Bhopal story.

When I came to Central India in 1881, I found Nawab Siddik Hossein under the grave displeasure of Lord Ripon's Government for treasonable publications and the Bhopal population crushed under the iniquitous land revenue assessment lately issued, by which the rent was raised from 17 lakhs of rupees to 41 lakhs, while the whole difference between the two sums during the five or six years of settlement, was demanded in a lump sum from the people. By strong remonstrance I obtained the remission of these arrears, but the revision of the assessment now being carefully conducted by Colonel Ward, I had neither authority nor information sufficient to interfere with. Year by year complaints grew more numerous of oppression and misgovernment in every Department over all of which Siddik Hossein was virtually supreme; till at length I placed the whole case before the Government of India. I showed clearly the long course of infamy which Siddik Hossein had pursued; his continued and notorious treason in defiance of Lord Ripon's warning; justice turned into a mere engine of corruption and oppression; tenants and farmers alike ruined to fill the pockets of himself and his creatures; districts depopulated; and the police little better than organised dacoits whose plunder was shared in high quarters. The Governor-General in Council after a full consideration of the case, decided that the guilt of the Nawab was clear; he was deprived of his title and salute and forbidden to interfere in public affairs under the pain of further punishment, and at the request of Her Highness the Begum an English Minister, Colonel H. Ward, was appointed, who, with infinite patience, tact and

courage has reformed the administration and purified the courts and police, though many years must elapse before the population ruined with hopeless arrears of debt can recover from the oppression of the past.

Siddik Hossein has now set himself to avenge his disgrace. He has secretly obstructed all measures of reform and by threats and promises and bribes has retained on his side many of the old officials, mostly Wahabis, whom it was not found possible to expel. He has employed much of the State money, and his own enormous wealth obtained by the most scandalous means in buying newspapers and paying for abuse of those who have brought about his just punishment, and the impunity which has so far attended this action has infinitely increased the difficulty of administration in Bhopal, and may ere long render it impossible. The Minister who has won the entire confidence of the people is the object of attacks as bitter and unfounded as those directed against me, and although the whole population of Bhopal regard us as their saviours from destruction, and loyal and orthodox Muhammadans throughout India thoroughly approve the policy of the Government and would have gladly seen their enemy and ours removed from the State, it would seem from the language of the Bengalee Press that Siddik Hossein was an injured and innocent victim and that we were his unjust persecutors.

12. In conclusion I would most respectfully invite the Government to consider that its policy of indifference to malicious libels on high officials is misunderstood by the people of India of high or low degree. They either believe that the libels are true or that the Government is afraid to prosecute the Native Press which utters them. Whichever be their belief it is equally injurious

to the power and prestige of the Imperial Government; more so than the open preaching of sedition. The surest foundation of our power in India is the general and well-founded confidence of the people in the justice, impartiality and honesty of English officials, and if the Government allows this to be undermined and treats this invaluable possession as of small account and a thing unworthy of defence, it will lose its chief support in time of danger while it will degrade the quality of its official class, for honorable men will hesitate to serve a Government which refuses to defend their honour."

But in spite of this eloquent appeal by Sir Lepel Griffin, Lord Dufferin did not sanction a criminal prosecution of the *Amrita Bazar Patrika* as suggested by His Excellency's Agent for Central India. In 1889, Lord Lansdowne succeeded Lord Dufferin as Viceroy of India. In this year the *Amrita Bazar Patrika* published a confidential Foreign Office document touching the state of the Cashmere frontier, and Lord Lansdowne thought it advisable to pass the Official Secrets Act. This publication was resented by the Government as an intolerable offence, particularly as while a part of the Foreign Secretary, Sir Mortimer Durand's minute was accurately given, the rest was said to have been suppressed, and in its place was inserted a passage which imputed to the Government sinister intentions with regard to Cashmere, which were, of course, repudiated. On the 10th October 1889 at the Council of the Governor-General of India, the Hon'ble A. R. Scoble, Q.C., C.S.I., then Legislative Member of the Supreme Council, moved for leave to introduce a Bill to prevent the disclosure of Official Documents and Information. He said :—

"This Bill has not originated with the Government of India; it is a mere re-enactment of an Act which

was passed during the last session of Parliament to prevent the disclosure, by unauthorised persons, of official documents and information. This Act applies to all parts of Her Majesty's dominions, and is, therefore, already in force in India, but it has been thought desirable to place it also on the Indian Statute-book, in order to give it greater publicity, and to bring its provisions into complete harmony with our own system of jurisprudence and administration. In Indian law, for example, the technical distinction between felonies and misdemeanors which survives in the criminal law of England, has not been maintained and is, therefore, not reproduced in the Bill; and the provision in the English Act that prosecutions under the Act shall not be instituted except by or with the consent of the Attorney-General has been modified by substituting the consent of the Local Government or of the Governor-General in Council for that of the Law Officer. In other respects the Bill follows the language of the English Statute.

"There can, I think, be little doubt that a measure of this sort has long been required. The offences which it is intended to reach are (1) the wrongful obtaining of information in regard to any matter of State importance, and (2) the wrongful communication of such information. The penalties range from transportation for life to imprisonment or fine, according to the gravity of the offence. The offence is, of course, aggravated when committed by a servant of Government, contrary to his official duty." The motion was put and agreed to.

The Hon'ble Mr. Scoble also introduced the Bill, and moved that it be taken into consideration at the next meeting of the Council. He explained that, as the

measure was only a reproduction of the English Act, it seemed unnecessary that it should be referred to a Select Committee. The motion was put and agreed to, and the Council adjourned to Thursday the 17th October 1889. On the 17th October the Council met and the Hon'ble Mr. Scoble moved that the Bill to prevent the disclosure of Official Documents and Information be taken into consideration. His Excellency the President, Lord Lansdowne, said :—"Our hon'ble colleague, Mr. Scoble, on moving for leave to introduce this Bill, expressed his opinion that a measure of the sort has long been required in India. That opinion I entirely share : I have seen enough during the comparatively short time which I have spent in this country to satisfy me that, unless legislation of this kind is resorted to, the interests of the public are likely to suffer materially. It is scarcely necessary to enlarge on the consequences which must ensue if the kind of treachery which is involved in the disclosure of official documents and information, and in the procuring of such information by persons interested in publishing it, is allowed to remain unpunished, and I believe that it is absolutely necessary for the Government of India to hold in its hand a weapon which can, if necessary, be used with exemplary effect against those who are guilty of such practices.

"I trust, however, that I shall not be understood as suggesting that, in my opinion, it is upon punitive measures such as this that the Government of India should rely for the maintenance of that degree of secrecy which is indispensable for the proper conduct of certain classes of public business. I rejoice to think that those whose opportunities of divulging such information are greatest—I mean the members of the

public service—deserve, as a general rule, the high reputation which they have earned for trustworthiness and discretion. The opportunities enjoyed by such persons for obtaining access to important public documents and for making known their contents are almost unlimited. Such information has, as we all know, an appreciable, and sometimes a very high commercial value. We are well aware that persons are at all times to be found ready to encourage breaches of official confidence and to throw serious temptations in the way of those who are in a position to commit them. It is, moreover, a matter of notoriety that what is sometimes spoken of as the enterprise of the Public Press has of recent years, and not in India only, led to the encouragement of such misconduct. Under such circumstances it would be strange indeed if occasional breaches of good faith on the part of those whose daily duties afford them the means of acquiring official knowledge did not occur. This Bill will give us the power of punishing both the parties to such transactions,—the thief and the receiver of stolen goods,—and there is every reason to expect that the passage of the measure will have a salutary and deterrent effect.

"I may perhaps be permitted to enforce what I have said by referring to a recent case in which a particularly scandalous disclosure of official information has taken place. A Calcutta journal, the *Amrita Bazar Patrika*, in a recent issue, published what professed to be the text of a document described as one 'the original of which His Excellency will find in the Foreign Office,' and as containing the 'real reason why the Maharajah of Kashmir has been deposed.'

"The document purports to be a memorandum submitted to the then Viceroy, Lord Dufferin, by Sir

H. M. Durand, the Foreign Secretary, in May 1888, and runs as follows :—

'To His Excellency—I do not agree with Mr. Plowden, the Resident in Cashmere, in this matter. He is too much inclined to set Cashmere aside in all ways and to assume that if we want a thing done we must do it ourselves.

'The more I think of this scheme, the more clear it seems to me that we should limit our overt interference as far as possible to the organisation of responsible military force in Gilgit. So far we can hope to carry the Durbar thoroughly with us. If we annex Gilgit or put an end to the suzerainty of Cashmere over the petty principalities of the neighbourhood, and above all, if we put British troops into Cashmere just now, we shall run a risk of turning the Durbar against us and thereby increase the difficulty of the position. I do not think this is necessary. No doubt we must have practically the control of Cashmere relations with those principalities, but this we already have. Indeed, the Durbar has now, since the dismissal of Lachmun Dass,* asked Mr. Plowden to advise the Gilgit authorities direct without reference to him. If we have a quiet and judicious officer at Gilgit, who will get the Cashmere force into thorough order and abstain from unnecessary exercise of his influence, we shall, I hope, in a short whole time, have the thing in our hand without hurting any one's feelings.'

"Up to this, the document is a substantially accurate reproduction of a minute actually written upon the above date by Sir Mortimer Durand, so much so that there can no doubt whatever that it must have been communicated to the Press by a person who had had an

* Once a favourite of Maharajah Sir Pertab Singh, the reigning prince of Cashmere. He was Prime Minister of the State for a short time when Sir Pertab Singh became Maharajah.

opportunity of copying or committing to memory a part at all events of Sir Mortimer Durand's minute. A few words only have been misquoted, but they are not of material importance. I think the Council will agree with me in considering that there is nothing in the passage which I have read which could be legitimately construed as revealing iniquitous designs upon the State of Cashmere on the part of the Government of India It will no doubt be within the recollection of hon'ble members that, at the time when the minute was written, there had been considerable disturbances on the Gilgit frontier, that the Chiefs of Hunza and Nagar were in revolt against Kashmir, that Chaprot had been captured, and other places within the territories of the Maharaja threatened by the insurgents, who had defied the Kashmir authorities.

"These events had shown in so striking a manner the insufficiency and weakness of the frontier administration of the Kashmir Durbar that proposals were submitted by the then Resident for the purpose of coming to its assistance. With this object Mr. Plowden advised the appointment of an English Political Agent at Gilgit, and he was further of opinion that it might be desirable to send British troops into Kashmir. These were the proposals to which the Foreign Secretary, in the document of which I have just read a part, took exception, and in the passages which follow in the original minute, which I have lately examined, I find that his objections to the Resident's proposals were throughout based upon the reason which he assigned at the outset, namely, that Mr. Plowden was disposed to rely too much upon British intervention and not enough upon the efforts of the Durbar. Sir Mortimer expresses his belief that we 'should be able to improve and

strengthen the position of the Kashmir authorities;' that any officer whom we send up 'should act with the consent and assistance of the Durbar;' that 'he should not take command of the Kashmir troops or get up any military expeditions;' and he was to 'give advice to the Governor in his present military difficulties' only 'if the Durbar wishes it.'

"Will it be believed that the whole of the portion of the minute from which I have taken these extracts has been omitted or suppressed, and that in lieu of it has been inserted the passage which I shall now proceed to read.

'Although I think our first step should be to send up temporarily and quietly a selected military officer (Captain A. Durand of the Intelligence Department) and a junior medical officer. Both of them will have the support of the Durbar when and where it will be necessary, and they will not display any indiscretion, so that the Durbar may not have any hint of the work they are about to undertake, and they will have to obtain the consent of the Durbar in matters concerning military difficulties Once we establish a belief that our undertaking is nothing but the welfare of the Durbar, we are surely to attain our object. Time will show that my view is not a wrong one. In it lies, I venture to hope, the safe realisation of that object which was once contemplated in Lord Canning's time and afterwards it was abandoned after deliberation.'

"This extract, with the exception of the first line and a half, in which it is recommended that an officer should be sent up temporarily to Gilgit, is a sheer and impudent fabrication. Not only is it not to be found in Sir Mortimer Durand's minute, but it misrepresents him in all the most essential particulars. It has thus come to pass that on the one hand, important passages

of Sir Mortimer. Durand's minute have been altogether suppressed, and, on the other, words have been ascribed to him which he not only never used, but which convey a meaning absolutely inconsistent with those which he actually wrote.

"I have already called attention to the suppression of those parts of the minute which most strikingly illustrate the moderation of the policy which found favour with the Foreign Secretary and which was approved by the Viceroy. When we come to the passages for which the writer has drawn upon his own imagination, we find a series of unfounded statements expressed in language which those who are familiar with Sir Mortimer Durand's style would not for a moment mistake for his, and abounding in suggestion to the effect, that our policy in regard to Kashmir is governed by motives of the most sinister kind. Of such a description are the passages in which it is said that the officers sent to Gilgit are to conduct themselves 'so that the Durbar may not have any hint of the work that they are about to undertake' and the statement that 'once we can establish a belief that our undertaking is nothing but the welfare of the Durbar, we are surely to attain our object'—an object which is subsequently described as that 'which was contemplated in Lord Canning's time, and afterwards it was abandoned after deliberation.'

"The newspaper version of the minute ends with the following words :—

'Eventually Major Mellis should go to Kashmir on the part of the Durbar and submit a mature scheme for the better administration of the State, which is at present very badly managed indeed. This scheme should include the outline of our arrangements for strengthening the Government policy.

'After the expiry of six months we will be in a position to decide whether the permanent location of a political Agency at Gilgit, also a contingent of troops for the defence of the frontier for which the Durbar have already agreed to put their resources and troops at the diposal of the British Government.'

(Sd.) H. M. DURAND,

6th May.

'Very well.'

(Sd.) DUFFERIN,

'*10th May.*

"Upon these passages I have only to observe that the earlier portion is rendered with complete inaccuracy, Sir M. Durand never having recommended that Major Mellis should submit a scheme for the administration of the State, but merely that that officer should at a later date go to Kashmir in order to confer with the Durbar in regard to its offer of aid for the defence of the frontier. The concluding sentence is a pure fabrication, none of the words after 'policy' appearing in the original minute. The latter, I may add, received the Viceroy's approval, although not in the terms mentioned in the fabricated version.

"I have shown already what were the objects with which the Government of India proposed in 1888, to intervene in the affairs of Kashmir, and within what narrow limits Sir Mortimer Durand, with the Viceroy's approval, was prepared to restrict that intervention, and it is unnecessary for me to point out how full of mischievous and misleading suggestion are the passages which I have quoted from the spurious portions of his supposed minute.

"The responsibility which rests upon those who are ready not only to give to the public documents which they are well aware could not have been obtained except by a distinct and criminal breach of trust, but who are not even at the pains to satisfy themselves that these documents are genuine, is a very serious one.

"In the present instance the spurious information can have been published with no other object than that of persuading the people of this country that the recent action of the Government of India in Kashmir has been prompted by motives which have been repudiated in official documents of the first importance as well as by the public statements of the Secretary of State in the British Parliament. Not content with persistently misrepresenting the Government of India, the publishers of the article have not scrupled to present to the public a garbled version of a confidential note written more than a year ago, in order to give an entirely distorted account of the then view and actions of the Government. Neither then nor at the present time has it been the desire of the Government of India to promote its own interests at the expense of those of the Kashmir State: then, as now, it was our desire to see that State well and wisely governed, with a minimum of intervention on our part and without any ulterior designs upon its independence. I am not without hopes that the sincerity of our motives will in process of time come to be understood even by those who have been misled by the persistent misrepresentation which has taken place in connection with these matters, and I believe that an exposure of the practices to which our critics have not scrupled to resort in the present instance may have the effect of in some degree, opening the eyes of the public as to the methods which

have been adopted for the purpose of prejudicing its judgment in regard to this important case.

"I have thought it my duty to bring this matter to the attention of the Council, both for the purpose of affording an illustration of the kind of malpractice against which the Bill on the table is directed, and also because I think it should be generally known that the new law is intended to be put in force in such cases, and that those who publish official documents without authority will come within its scope, whether the persons by whom those documents have been divulged are discovered or not, and whether the documents themselves are published in their entirety or, as in the present instance, reproduced in a garbled and truncated form."

The motion was put and agreed to, and the Hon'ble Mr. Scoble also moved that the Bill be passed. The motion was put and agreed to. The following is the full text of the Act now in force :—

Act No. 15 of 1889.

An Act to prevent the Disclosure of Official Documents and Information.

WHEREAS it is expedient to prevent the disclosure of official documents and information : it is hereby enacted as follows :—

Title, extent and application.

1. (1) This Act may be called the Indian Official Secrets Act, 1889, and (2) It extends to the whole of British India, and applies, (*a*) to all subjects of Her Majesty within the dominions of Princes and States in India in alliance with Her Majesty and (*b*) to all Native Indian subjects of Her Majesty without and beyond British India.

Definitions.

2. In this Act, unless there is something repugnant in the subject or context—

(1) any reference to a place belonging to

Her Majesty includes a place belonging to any department of the Government, whether the place is or is not actually vested in Her Majesty:

(2) expressions referring to communications include any communication, whether in whole or in part, and whether the document, sketch, plan, model or information itself or the substance or effect thereof only be communicated:

(3) "document" includes part of a document:

(4) "model" includes design, pattern and specimen:

(5) "sketch" includes any photograph or other mode of representation of any place or thing: and

(6) "Office under Her Majesty" includes any office or employment in or under any Department of the Government.

Disclosure of information.

3. (1) (*a*) Where a person for the purpose of wrongfully obtaining information—

(i) enters or is in any part of a place belonging to Her Majesty, being a fortress, arsenal, factory, dockyard, camp, ship, office or other like place, in which part he is not entitled to be, or,

(ii) when lawfully or unlawfully in any such place as aforesaid, either obtains any document, sketch, plan, model, or knowledge of anything which he is not entitled to obtain, or takes without lawful authority any sketch or plan, or,

(iii) when outside any fortress, arsenal, factory, dockyard or camp belonging to Her Majesty, takes or attempts to take without authority given by or on behalf of Her Majesty any sketch or plan of that fortress, arsenal, factory, dockyard or camp, or,

(*b*) where a person knowingly having possession of, or control over, any such document, sketch, plan, model or knowledge as has been obtained or taken by means of any act which constitutes an offence against this Act at any time wilfully and without lawful authority communicates or attempts to communicate the same to any person to whom the same ought not, in the interest of the State, to be communicated at that time, or,

(*c*) where a person after having been entrusted in confidence by some officer under Her Majesty with any document sketch, plan, model or information relating to any such place

as aforesaid, or to the naval or military affairs of Her Majesty, wilfully and in breach of such confidence communicates the same when, in the interest of the State, it ought not to be communicated,

he shall be punished with imprisonment for a term which may extend to one year, or with fine, or with both.

(2) Where a person having possession of any document, sketch, plan, model or information relating to any fortress, arsenal, factory, dockyard, camp, ship, office or other like place, belonging to Her Majesty, or to the naval or military affairs of Her Majesty, in whatever manner the same has been obtained or taken, at any time wilfully communicates the same to any person whom he knows the same ought not, in the interest of the State, to be communicated at that time, he shall be liable to the same punishment as if he committed an offence under the foregoing provisions of this section.

(3) Where a person commits any act declared by this section to be an offence, he shall, if he intended to communicate to a foreign State any information, document, sketch, plan, model or knowledge obtained or taken by him, or entrusted to him as aforesaid, or if he communicates the same to any agent of a foreign State, be punished with transportation for life, or for any term not less than five years, or with imprisonment for a term which may extend to two years.

Breach of official trust.

4. (i) Where a person, by means of his holding or having held an office under Her Majesty, has lawfully or unlawfully either obtained possession of or control over any document, sketch, plan or model, or acquired any information, and at any time corruptly or contrary to his official duty communicates or attempts to communicate that document, sketch, plan, model or information to any person to whom the same ought not, in the interest of the State, or otherwise in the public interest, to be communicated at that time, he shall be guilty of a breach of official trust.

(2) A person guilty of a breach of official trust shall—

(*a*) if the communication was made or attempted to be made to a foreign State, be punished with transportation for

life or for any term not less than five years, or with imprisonment for a term which may extend to two years, and

(*b*) in any other case be punished with imprisonment for a term which may extend to one year, or with fine, or with both.

(3) This section shall apply to a person holding a contract with any department of the Government, or with the holder of any office under Her Majesty as such holder, where such contract involves an obligation of secrecy, and to any person employed by any person or body of persons holding such a contract, who is under a like obligation of secrecy, as if the person holding the contract and the person so employed were respectively holders of an office under Her Majesty.

Restriction on prosecution.

5. A prosecution for an offence against this Act shall not be instituted except by or with the consent of the Local Government or of the Governor-General in Council.

The above Act received the assent of His Excellency the Governor-General on the 17th October 1889. The following were its objects and reasons :—

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to re-enact for India, *mutatis mutandis*, the provisions of the Official Secrets Act, 1889 (52 and 53 Victoria, c. 52), which has recently been passed by Parliament. That statute applies (see Section 6) to all acts made offences by it when committed in any part of Her Majesty's dominions, or when committed by British officers or subjects elsewhere, but the working in India of criminal law enacted by Parliament has not infrequently, not withstanding the provisions of 37 and 38 Vict., c. 27, s. 3, been found to be beset with practical difficulty. Under these circumstances it seems desirable to take advantage of the saving for laws of British possessions contained in section 5 of the Statute and re-enact it for India with such adaptations of its language and penalties as the nomenclature of the Indian Statute book requires.

ANDREW R. SCOBLE.

The 9th October 1889.

In 1891 Sir Charles Elliott became the Lieutenant-Governor of Bengal. He considered every thing done in the Bengal Secretariat or at Belvedere an official secret, which appearing in any newspaper, was regarded by him an infringement of the Official Secrets Act, and as such punishable under the law. Early in his reign the following correspondence took place between His Honour and the late Dr. Sambhu Chandra Mookerjee, then Editor of *Reis and Rayyet*, regarding the publication of an official secret contained in the following editorial note :—

From 25th April 1891. Let us take an instance that has just come to our ears. The candidates for employment in the Opium Department having just been examined, one of the plucked examinees has appealed to Government against the examiners. And strange as it may seem, the appeal has been admitted. As a rule who listens to such representations unless very influentially supported? Governments have too much to do to have leisure to plunge into the materials of an educational examination. Nor truth to say, are Governments *ex-officio* competent to try an appeal against professional experts. There is, besides, an easy way of preserving dignity and escaping botheration in the standing secretarial formula—"declines" or "sees no reason to interfere." Not so in the Bengal Government of the day. Secretaries are apparently not now allowed to clear files according to the old methods. The Lieutenant-Governor himself sees everything. So the matter came before Sir Charles Elliott, and he took it up in right earnest, as became the head of a Government which needs much looking after and mending. The candidate questioned the justice of the examiners, and the Lieutenant-Governor called for his papers and regularly went through them, even to working out the sums and problems. The result of his labours was that the examinee had given correct answers and that the examiners had done him foul wrong. Not to act upon his own impression, Sir Charles, we are told, has sent the papers to the Director of Public Instruction for report.

The Lieutenant-Governor asked the Editor of the paper to give the name of the contributor of the above note on which he replied thus :—

"REIS AND RAYYET" OFFICE,
Calcutta, 29th April 1891.

CAPTAIN J. W. CURRIE,
Private Secretary to the Lieutenant-Governor of Bengal, Belvedere.

Dear Sir,—I beg to acknowledge receipt of your letter of yesterday received late in the evening.

I regret that the paragraph alluded to in it has caused any annoyance to the Hon'ble the Lieutenant-Governor.

That paragraph appeared quite by accident I might say, were it not that that sort of lucky accident is a recognised source of information to us. Two gentlemen—whom I am not permitted to name either by the etiquette of society or of the Press—ware talking the bazar gup in my presence while I was occupied with something else. Their subject was the consternation caused in the departments of the Bengal administration by His Honour's visits and enquiries and his practice of seeing everything himself. The Excise Department and the Secretariat were chiefly dwelt upon. In the course of the conversation, one of them said he had just heard that some Police or Opium Department candidate had complained of having been unfairly plucked, and that his complaint had attracted the notice of the Lieutenant-Governor who was said to have gone through the examination papers, and referred the matter to the Director of Public Instruction. I did not ask any question and indeed gave the impression of not listening. But what I had heard was so interesting that, unperceived, I took it down, filling in the meagre outline with light and shade and colour, and disposing off uncertainties by bold guess-work.

Such is the origin of a paragraph about the accuracy of which I myself did not feel quite sure. Accordingly without discounting its importance by avowal of any suspicion, and yet to guard against the consequences of

contradiction, I did not stake our credit on its truth, but gave it as it "came to our ears," hoping by the preliminary pother and the general treatment to conceal from the reader the weakness of our source of information—in downright vernacular its bazari character.

After this I need scarcely add that there has been no betrayal in the matter.

I have the honor, etc.,
(Sd.) SAMBHU CHUNDER MOOKERJEE.

Provoked by the reply given above by the veteran Indian journalist, His Honour made the following order, through his Secretary, Mr. C. E. Buckland (now retired), on the 30th April 1891, which was hung up in a prominent place in the Bengal Secretariat. After quoting the above note, the order ran thus :—

1. "The Editor of the paper was called upon to give the name of the contributor who had violated the confidence of Government by betraying the secrets of the office. He replied that he overheard two clerks talking together and picked up from them the above story.

2. "The Lieutenant-Governor desires most seriously to warn every clerk in the Government Secretariat against the betrayal of official secrets, whether it be by deliberate correspondence with a newspaper, or by indiscreet babble in a public place or private room. If such a case occurs again, the offender will, if detected, be dismissed the service. If he cannot be detected every clerk through whose hands the papers could have passed in the course of official routine or who cannot prove the impossibility of his having been the offender, will be punished by a fine of a week's pay."

By Order of the LIEUTENANT-GOVERNOR.
(Sd.) C. E. BUCKLAND,
Offg. Secretary (*Rev. Dept.*)

Next His Honour threatened the *Indian Mirror* with prosecution under the Official Secrets Act. The following official correspondence between the Lieutenant-

Governor and the Editor of the *Indian Mirror* will explain the object of the threat :—

Judicial Department.

Judicial No. 2966J.

From—H. J. S. COTTON, ESQ., C.S.I., Officiating Chief Secretary to the Government of Bengal.

To—BABU NARENDRA NATH SEN, Editor of the *Indian Mirror*.

DATED CALCUTTA, *the 12th July* 1892.

Sir,—I am directed to invite your attention to the letter, copied in the margin, which appeared in the issue of the *Indian Mirror* of the 17th June 1892.

SIR CHARLES ELLIOTT'S GOVERNMENT.

[To the Editor of the *Indian Mirror*].

Sir,—Yesterday's issue of the *Indian Mirror* contains the first of a series of articles that are likely to appear on Sir Charles Elliott's administration. We cannot sufficiently thank you for your just, honest and fearless criticism of Sir Charles Elliott's Government. Sir Charles is a *zuberdusse* no doubt but his Secretaries, especially Mr. Buckland, the Revenue Secretary, are more so. You say, Sir, that "two District Judges flatly refused to comply with his (Lieutenant-Governor's) demand for certain information, and referred him to the High Court." We also heard of it and more. Rumour has it that his *Khairkhan* Revenue Secretary proposed to transfer both these two Judges to two distant and out-of-the-way districts, one to Chittagong and the other to Rungpur as a sort of punishment. But it is also rumoured that the Lieutenant-Governor had the good sense to veto the proposal. As for his Chief Secretary, the writer of *New India*, he is now before the public in his true colours as will appear from the speech with which he introduced the Chowkidari Bill. His pet Secretary, Mr. Risley, is, of course, trying his best to, as you rightly observe, "aim a blow at independent journalism, and it is feared he

This letter bears on the face of it evidence of having been contributed by some person who has access to official notes passing between a Secretary to Government and His Honour the Lieutenant-Governor of Bengal. Such notes are in their nature confidential, and the betrayal of their contents is injurious to the administration. The Lieutenant-Governor is advised that in these circumstances, a newspaper admitting and publishing such a communication as the letter quoted above renders itself liable to prosecution for the abetment of an offence under the Official Secrets Act.

has succeeded to a certain extent as it appears from the wretched condition of the *Hindu Patriot*, the paper of the late Hurrish Chandra Mookerjee and Kristo Das Pal. I hope to resume this subject again.

Yours, etc.,
FIAT JUSTITIA.

The 15th June 1902.

Sir Charles Elliott has no intention of instituting any prosecution in the present instance, but His Honour desires to give warning that should the practice of betraying secrets, which are necessarily known to a number of clerks in the Bengal Secretariat, be persisted in, proceedings under the Act will be taken on behalf of Government.

I have the honour to be,
Sir,
Your most obedient servant,
(Sd.) H. J. S. COTTON,
Officiating Chief Secretary to the Government of Bengal.

On the 17th August 1892, the Editor of the *Indian Mirror* replied thus to Sir Charles Elliott:—

"INDIAN MIRROR" OFFICE,
Calcutta, 17th August 1892.

To—THE HONOURABLE H. J. S. COTTON, C.S.I.,
Chief Secretary to the Government of Bengal.

Sir,—I have the honour to acknowledge the receipt of your letter No. 2966J, dated the 12th ultimo, in which you draw my attention to the letter of a correspondent which appeared in the *Indian Mirror* of the 17th July last, signed "*Fiat Justitia*," and state that the Lieutenant-Governor has been advised that by publishing such a letter, the *Indian Mirror* has rendered itself liable to a prosecution for the abetment of an offence under the Official Secrets Act.

In reply, I beg to state that the letter in question did not come from any person, connected with the

Bengal Secretariat, and that I have been advised that the publication of that letter does not constitute the offence of abetment of any offence whatsoever, assuming even that the writer of the letter was himself guilty of betraying any official secret, which the conductors of the *Indian Mirror* had no reason to suppose, when the publication of the letter was sanctioned.

In conclusion, I desire emphatically to repudiate the insinuation, contained in your letter, to the effect that the Editor of the *Indian Mirror* has ever lent himself to obtaining improperly official secrets from any clerk or other person, in the employ of the Bengal Government.

I have the honour to be,

Sir,

Your most obedient servant,

(Sd.) NORENDRA NATH SEN,

Editor, *Indian Mirror*.

Next year His Honour's equanimity was again upset by some comments which appeared in *Reis and Rayyet*, then edited by the late Dr. Sambhu Chandra Mookerjee, and the following interesting correspondence took place between the Lieutenant-Governor and the Editor of the offending journal :—

No. 220.

From—The PRIVATE SECRETARY TO H. H. THE LIEUTENANT-GOVERNOR OF BENGAL,

To—The EDITOR, *Reis and Rayyet*, Calcutta.

CAMP BETTIAH, the *12th April* 1893.

Sir,—The Lieutenant-Governor desires me to draw

your attention to the following extracts printed in your newspaper of the 8th April 1893 :—

I. "Mr. Lee has gone on furlough and Mr. Ritchie has taken charge as Chairman of the Calcutta Corporation. The Corporators and their employès are already experiencing the amenities of this new celestial after Sir Charles Elliott's own heart. What a pity that the old race is extinct in the Municipality. The Blessington Roberts, Frederic Wymans, James Wilsons, the Rajendra Lala Mittras and Kristo Das Pals would have in no time brought any civilian puppy to his level and senses."

II. "We congratulate Nawab Syed Ameer Hossain on his raid into the sacred preserve as Inspector-General of Registration. We hope he will be able to maintain possession. We hear the present incumbent who himself will be promoted to an officiating Judgeship, has protested against the Syed's elevation even for six months, to his sacred office of Inspector-General. The dog in the manger! The man deserved a rap on the knuckles for his impertinence, and would get it in a really strong government."

The tone of these extracts offends so seriously against good taste and gentlemanly feeling that His Honour thinks it right to enquire whether they were inserted with your knowledge and approval or whether the same excuse can be pleaded as was pleaded for the indecent article to which he took objection last year, *viz.*, that it was published in your absence and that nothing of the kind should be admitted again.

I have, etc.,

(Sd.) J. W. CURRIE, Captain,

Private Secretary.

From—DR. SAMBHU CHUNDER MOOKERJEE,
Editor, *Reis and Rayyet*, Calcutta,

To—CAPTAIN J. W. CURRIE,
Private Secretary to H. H. the
LIEUTENANT-GOVERNOR of Bengal, Darjeeling,
Calcutta, the 22nd May 1893.

Sir,—I duly received your note enclosing a printed copy of a letter, dated Camp Bettiah, the 12th April 1893, to the Editor, *Reis and Rayyet*, which had never been received at this office, but at a time of illness, I beg to be excused for this tardy acknowledgment. I am somewhat better, but still suffering and on sick diet under the treatment of Dr. Sircar.* As H. H. the Lieutenant-Governor is to go on leave I must try to attend to the call made on me. Before I can do so I have a request to make. This sort of correspondence is becoming frequent and makes a distinct addition to the responsibilities of the Press in India. I have been journalist from before the Mutinies. I have got not only to maintain the interests of the paper and clear my own character, literary and personal, from unjust reproach, but to see that the credit of the Press does not suffer in my person. According to the Lieutenant-Governor the tone of the two passages quoted from my newspaper of the 8th April last "offends so seriously against good taste and gentlemanly feeling that His Honour thinks it right to enquire whether they were inserted with my knowledge and approval." Had the Bettiah letter stopped there it would have been one thing. But it does not. The enquiry is carried further into speculative region. Having consigned me to an embarrassing situation, His Honour is kind enough to offer me

* The late Dr. Mahendra Lal Sircar, M.D., C.I.E., D.L., the eminent Homeopathic practitioner.

a way of escape out of it, if I would only take it. Remembering the journal's lapse of the previous year, he adds with ill-concealed sarcasm, not to say contempt, "whether the same excuse can be pleaded for the extracts as was pleaded for the indecent article to which he took objection last year, namely, that it was published in my absence and without my knowledge and that nothing of the kind should be admitted again." His Honour might have waited for my answer. It is but fair to leave the prisoner *carte blanche* to choose his own line of defence especially when the initial plea has not been taken. Be that as it may, my present purpose is to solicit the favour of information on the previous transaction. I have no recollection of any indecent article published in my paper at any time. *Reis and Rayyet*, as it is written by gentlemen, is read by ladies and gentlemen, not only in India, but in Europe, including members of Parliament, members of the Cabinet, public men of different parties and literary men of acknowledged eminence, many of whom have privately, and sometimes openly spoken highly of its excellence and especially its tone. The late Major Evans Bell said: "I read your paper religiously," and the same sentiment was echoed lately by an Englishman who is now the chief editor of an Anglo-Indian paper.

I occasionally ask my correspondents to sit in judgment on my conduct of the paper and to offer me suggestions. An illustrious member of Parliament with whom I have the honour of correspondence wrote in answer to my pestering—"I have no suggestion to make; *Reis and Rayyet* is an exemplary paper." If anything really shocking or offensive had appeared, I am sure I should have heard from my friends as well as readers. I take

good care according to my light, of course, not to offend, for I am proud of being a gentleman and, while affecting the highest Oriental polish, have always aspired to form my conduct on the highest European models and pitched my life and conversation in the key of the best English society. Even during the general madness of the Ilbert Bill agitation, while dealing in frantic abuses of those who assailed our ladies I never retorted with similar bad manners. My dear friend General Napier Campbell, who was one of the scarcely half a dozen Europeans who maintained an impartial attitude on the occasion, will bear me out, as more than one occasion I asked his opinions as a British gentleman of culture and superior refinement of feeling whether I might publish a certain thing without offence.

In the age which patronises Zola, in which Swinburne has been seriously recommended for the office of Poet Laureate, *Reis and Rayyet's* lapse must have been serious to be still remembered at the Lieutenant-Governor's Court. As, however, this is not the only paper whose manners and morals have engaged His Honour's attention, it is just possible that there has been a mistake due to confusion of names. I shall esteem it a great favour to be supplied with the name and page and column of its publication, together with a copy of my answer. It is possible that in the stress of journalism some word, or phrase or perhaps, a sentence of a questionable character appeared; but it is highly improbable that a whole article that can be characterised as indecent, should appear in a respectable journal.

I am particularly anxious to see the reply from this office to which your letter refers. In the absence of recollection of the time and circumstances, it strikes me from

your description as against the grain of the Editor of *Reis and Rayyet.* Hence I solicit the favour of a copy.

With reference to the passages quoted in the letter under reply, I beg to be informed of the grounds of the objection. The tone of the passages is declared to offend seriously against good taste and gentlemanly feeling. Now, all these are really difficult words, and in the English language *tone* is a subtle thing, and questions of taste and feeling are always debatable. His Honour knows that I am an Oriental, and unless I am supplied with the *rationale* of his complaint, I may, with the utmost desire to please him, unwillingly offend him again. The more copious the explanation, therefore the better. I am neither so simple nor so obtuse as not to know that the paragraphs are strongly worded, being passionate expressions of indignation. But what is their offence? Wherein, coming from a public journal, are those passages objectionable in tone or fail in good taste and gentlemanly feeling?

With many apologies for the length of this letter and begging humbly to be pardoned for any lapses in thought or expression,

I have the honour to be,
Sir,
Your most obedient servant,
(Sd.) SAMBHU CHUNDER MOOKERJEE.

THE SHRUBBERY,
DARJEELING, 25*th May* 1893.

Sir,—I have to acknowledge the receipt of your letter of the 22nd instant. In it you "solicit the favour of information on the previous transaction" and you say "I have no recollection of any indecent article published in my paper at any time."

I send for your information a copy of my letter of the 1st July 1892 to yourself.

Yours faithfully,

(Sd.) J. W. CURRIE, Captain.

Enclosure—

To the Editor, *Reis and Rayyet.*

No. 748, dated Calcutta, 1st July 1892.

Sir,—I am desired by His Honour the Lieutenant-Governor to draw your attention to the last three paragraphs of the 11th volume on page 303 of your edition of the 25th June commencing "Evacuation * * *"; "A Parisian woman * * *"; and "Dr. Gritain * * *"; and I am to say that if you permit the publication of any more such disgusting paragraphs, your paper will be struck off the list of those supplied to His Honour. It is to be hoped they were published without your sanction or knowledge.

Yours, etc.,

(Sd.) J. W. CURRIE, Captain,

Private Secretary.

To the Editor,

Reis and Rayyet.

From—DR. SAMBHU CHUNDER MOOKERJEE, Editor, *Reis and Rayyet*, Calcutta.

To—CAPTAIN J. W. CURRIE, Private Secretary to the Lieutenant-Governor of Bengal.

29*th May* 1893.

Sir,—I had the honour of receiving your letter of the 25th instant from Darjeeling in answer to my letter

of the 22nd late on Saturday in the thick of work for going to the press. Hence I could not write before to-day.

In compliance with my solicitation for information on the previous transaction about which you quote my language, namely, "I have no recollection of any indecent article published in my paper at any time," you are pleased to send for my information a copy of your letter of the 1st July 1892. In the letter you say that you were desired by His Honour to draw my attention to the three paragraphs which appeared in the previous week's *Reis and Rayyet*, p. 303, column 1.

Turning to *Reis and Rayyet*, vol. xi. for 1892 p. 303, I find that the paragraphs in question are, indeed, three in number. They are not only three, but each is small in extent so much so that all of them together do not come up to the length of even a small paragraph of an editorial article in any newspaper, *Reis and Rayyet* not excepted. They are not only not editorial matter; they are properly speaking not even sub-editorial. Following the division of the paper called "Weeklyana" which tells the news and collects the humours—the quips and cranks—from various sources, is what is headed "our medical column" consisting of notes supplied by a professional contributor, though they may be sometimes licked into shape by the editorial hand, or added to by editorial knowledge or experience. It is in this column that the paragraphs in question appeared. I am not speaking of the character of the paragraphs or of the propriety of the publication of such writings in a newspaper. I hope I may be allowed another opportunity for discussing the merits. This much I shall content myself with saying that at the

most and worst the three little paragraphs to which the Lieutenant-Governor so gravely objects constitute in their totality but a small matter. Mistakes occur in the best regulated houses, and the necessarily hurried work of journalism is peculiarly open to mistakes. Improper things step into the best conducted newspapers. His Honour cannot be unaware how repeatedly the great *Times* itself has been victimized. What the Lieutenant-Governor complained of were not articles nor editorials in *Reis and Rayyet*, but little paragraphs outside the editorial columns. They are neither leaders, nor sub-leaders, nor even leaderettes or notes. Now, the printed copy of your Bettiah letter of last month (on which this correspondence has arisen) asserts that *Reis and Rayyet* had last year published an indecent article and that I had owned the offence and apologised for it and had promised to see that no such thing appeared again. As I remembered no such article, and especially as the explanation you attributed to me seemed so improbable, I begged to be supplied with a reference to the said article, particularly with a copy of my alleged explanation. You now send me a copy of a letter you wrote me on the 1st July 1892, but without a copy of my answer to it which I am particularly curious to see. I have unfortunately left no record of this reply in my office. Your particular description of its contents in your Bettiah letter at once inflames my curiosity and virtually renders all efforts on my part to remember them futile.

The copy of your own letter of July 1892 for which I cannot but be thankful, gives no help whatever. It is, indeed, if you will allow me, beside the particular enquiry I ventured to make. In that letter His Honour is represented as having animadverted upon an indecent

article in *Reis and Rayyet.* The copy of your letter of July last refers to three paragraphs in our medical column in *Reis and Rayyet* of 25th June as "disgusting." I need scarcely point out the material difference between the two descriptions. An article in a newspaper is not the same as a paragraph or any number of independent paragraphs in a column of Medical Notes. Nor is "disgusting" synonymous with indecent. *Indecency* is no doubt *disgusting* but *disgusting* is not necessarily *indecent.* A description of a savage dance or exorcism or even a minute account of a Revivalist meeting may be disgusting, but these need not be indecent at all in the ordinary sense. Unless there was any other case, the description of the lapse of *Reis and Rayyet* goes beyond the enormity. Be that as it may, I beg that a copy of my answer to your letter of 1st July 1892 may kindly be supplied to me, and in case the indecent article to which His Honour the Lieutenant-Governor took objection last year referred to some other issue of *Reis and Rayyet*, I shall be much obliged for a copy of the correspondence on that subject too. To avoid unnecessary correspondence I hope the terms of my prayer may be remembered in answering this.

I would not trouble His Honour at this hour, but for the sake of my character and the interest of my journal of established repute.

With many apologies,

I have the honour to remain,

Sir,

Your most obedient servant,

(Sd.) SAMBHU CHUNDER MOOKERJEE.

To the above letter the late Editor of *Reis and Rayyet* did not receive any reply, partly owing to Sir Charles Elliott's leaving the country on six months' furlough, and partly for the reason that when a search was made for the letter in requisition, it was found to be nowhere. The whole truth is, Sir Charles Elliott wrote the last paragraph of his letter from Camp Bettiah, dated the 12th April, 1893, under a wrong impression and was misled to think that the Editor of *Reis and Rayyet* apologised in reply to his letter of the 1st August 1892 As a matter of fact, the Editor neither received the latter letter nor ever replied, far less in the terms described in the last paragraph of the letter from Camp Bettiah. In his zeal for administrative work, Sir Charles Elliott, it is well known, instituted the prosecution of the *Bangabashi* newspaper for sedition—the first prosecution of the kind under Section 124A of the Indian Penal Code, in 1891, which, however, ended in a *fiasco.* Simultaneously he also instituted a Native Press Commission in Bengal for punishment of such newspapers with non-supply of Government information as were not members of the Native Press Association.* In 1893 Sir Charles wanted again to put the law—Section 124A I. P. C.—in motion a second time, but was dissuaded from the step by the late Mr. J. T. Woodroffe, then

* The Native Press Association was first formed at Delhi in 1876 at the time of the Imperial Assemblage there. It died a natural death. Again it came into existence after the institution of the criminal proceedings against the *Bangabashi* newspaper in 1891. The object of the Association to quote the words of the Resolution under which it was formed was to "protect, maintain and further by all legitimate means, the lawful interests of the Native Press and to improve its tone and status; and to preserve moderation in the discussion of all public questions, and to take all such measures as might be necessary to enable the Native Press to fulfil the important functions which belong to it, as the educator of the people, the exponent of public opinion, and the faithful interpreter between the rulers and the ruled." Except the *Indian Mirror*, the *Indian Nation* and *Reis and Rayyet* the editors and proprietors of all Indian-edited and Vernacular papers of Bengal joined the Association. This Association was empowered to receive official news from the heads of the Bengal Secretariat and cater them *only* to those who were its members. Non-members of the Association were not allowed to have them in any other way.

Advocate-General of Bengal, who recorded a strong opinion* against the action of the Lieutenant-Governor.

Lord Lansdowne was succeeded by Lord Elgin as Viceroy of India in 1894. In his time plague appeared in the city of Bombay and spread to distant parts of India. Many complications arose out of it. On the night of the Jubilee Celebration, 22nd June 1897, Lieutenant Ayerst and Mr. Rand, C. S., Special Plague Commissioner, were secretly murdered at Poona, the mystery of which dastardly deed still remains unravelled. This was followed by a series of prosecutions of the Vernacular Press of Bombay and by other general repressive measures. In the third week of December, 1892, the then Law Member, the Hon'ble M. D. Chalmers, came to the Supreme Legislative Council in India with a proposal for amending the law of sedition. At the Council meeting held at Government House, Calcutta, on Tuesday, the 21st December, he said: "Before I make the motions which stand in my name for referring the Indian Penal Code Amendment Bill and the Criminal Procedure Code Bill to Select Committees, I should like, with your Excellency's permission, to make a few remarks on some amendments which the Government intend to propose for consideration during the Committee stage of those measures.

"As the Council are aware, recent events† in India have called prominent attention to the law relating to

* As this opinion had concern with the Vernacular Press of Bengal, it will be reproduced in the chapter dealing with the history of that subject.

† They referred mostly to Bombay where the secret murder of Rand and Ayerst was suspected to be the result of a deep-laid conspiracy of the Poona Brahmans. Accordingly the Natu Brothers were deprived of their liberty and property for a time. Mr. Bal Gangadhur Tilak, one of the most prominent of the Poona Brahmans, and the editor of the *Kesari*, a Mahratta journal, was prosecuted for publishing sedition in his paper and was sentenced. Two other journals of Bombay were also charged under the sedition section of the Indian Penal Code. The sentence of the Satara Sessions Judge on the *Protoda* people roused the indignation of the whole civilised world. The Poona *Vaibhav* after its first abortive trial, was let off on

seditious utterances and writings. We have had anxiously to consider the state of the law regarding these matters and to decide whether and in what respects it required amendment. We determined that we would do nothing hastily, and that the course we adopted should be the result of cool and deliberate consideration.

"Two different lines of action were open to us. The first was to re-enact a Press Law similar to the Vernacular Press Act of 1878. The second was to amend the general law relating to sedition and cognate offences so as to make it efficient for its purpose. We have come to the conclusion that the second course is the right one for us to take.

"But as we have been strongly urged by many whose opinion is of great weight to re-enact a Press Law, perhaps I may be allowed to state briefly our gounds of objection to that course. The essential feature of the Act of 1878 was executive control over the writings of the Vernacular Press. That principle appears to us to be objectionable on two grounds. In the first place we see no reason for drawing any distinction between the Vernacular Press and any other Press. As regards liberty of speech there should be one and the same law for all subjects of Her Majesty without reference to the particular language in which they may express their opinions. In the second place we have no quarrel with the Press, and no desire to control it. We welcome all fair, candid and honest criticism and speaking for ourselves we care very little as to the terms of language in which they may be expressed. The essential principle of English law is this. Every man is free to speak,

an apology and promise to behave better. The Bombay Government, would not, as was expected, accept the expression of regret of the editor of the *Moda Vritta*, and he too was sent to jail. A Hindu editor of a Mahomedan journal in Moradabad outside the Bombay Presidency, in the N.-W. Provinces, was also sentenced. In he United Provinces, a Moulvi was detained in custody for preaching sedition.

write and print whatever he pleases without asking the leave or permission of any authority. But if he speaks writes or prints anything which contravenes the law of the land he is liable to be proceeded against and punished. As long as a man keeps within the law no one can interfere with him. But if he breaks the law he is liable to punishment by a Court of Justice in the ordinary course of law. This seems to us a sound and healthy guiding principle and we have determined to adhere to it. But we are also determined that the law shall not be a dead-letter and that offenders against the law of the land shall be capable of being promptly brought to book.

"Having come to this conclusion we had to decide what amendments in the general law were necessary. I am glad to say they are but few.

"The first question for consideration was whether we should amend Section 124A of the Indian Penal Code which deals with the offence of exciting disaffection against the Government, or, as it is called in England, sedition. I cannot say that section strikes me as a model of clear drafting.* The section was introduced into the Penal Code by Sir Fitzjames Stephen in 1870. In introducing the Bill I believe he stated that his intention was to assimilate the law of India to the law of England as regards the offence of sedition. The interpretation of the section has recently been discussed before the Calcutta, Bombay and Allahabad High Courts, and it has been interpreted in accordance with English

* But the Right Hon'ble Arthur Hobhouse (afterwards Baron), when Legislative Member of the Viceroy's Council, wrote in a minute dated the 10th August 1876, which I inadvertently omitted to mention in my previous article, that Section 124A, as it then stood, was quite sufficient for the purpose of all civilised Governments and vetoed the proposal of Lord Lytton for altering it. The minute was written when Lord Lytton was mooting the question of the Vernacular Press Act.

law. The result of the cases is to establish that it is a criminal offence to stir up feelings of contempt or hatred for the Government, and that such conduct is none the less an offence because resort to actual violence is not advocated. But no one can read the able arguments addressed to the Courts by Counsel* for the accused in the *Bangabashi* and Tilak cases without coming to the conclusion that the law might be expressed in clearer and less equivocal terms. When law is codified, the codes should be as explicit as possible. Moreover, though the Calcutta, Bombay and Allahabad Judges† have substantially agreed in the interpretation of Section 124A, their decisions are not technically binding on other High Courts. Having regard to these considerations we think it desirable to amend and redraft Section 124A so as to bring it clearly into accord with English law. In England, words spoken or written with seditious intent constitute a criminal offence, and the intent is presumed from the natural meaning of the words themselves without reference to the actual feelings of the person who used them. In other words, the law applies a purely objective test. A seditious intention is thus defined in Stephen's *Digest of the Criminal Law* (Ed. 5, Art. 98, pages 70-71). It is "an intention to bring into hatred or contempt, or to excite disaffection against the person of, Her Majesty, Her Heirs or successors, or the Government of the United Kingdom, as by law established or either House of Parliament, or the administration of justice, or to excite Her Majesty's subjects to attempt otherwise than by lawful means the alteration of any matter in Church or State, or to raise

* In the *Bangabashi* case Mr. William Jackson, of the Calcutta Bar, defended the accused, while Mr. Lewis Pugh Pugh appeared for the Crown. In the Tilak case, Mr. Lewis Pugh Pugh defended Mr. B. G. Tilak in 1897.

† Sir Comer Petheram, of Calcutta, Sir Arthur Strachey, of Bombay, and Sir John Edge, of Allahabad.

discontent or disaffection amongst Her Majesty's subjects, or to promote feelings of hostility or ill-will between different classes of such subjects." Now, adapting that definition to the language of the Indian Penal Code, and the circumstances of India, we propose that Section 124A shall be repealed, and that the following section shall be substituted therefor :—

"124A. (Sedition).—Whoever by words, either spoken or written, or by signs, or by visible representation or otherwise, brings or attempts to bring into hatred or contempt, or excites or attempts to excite disaffection towards Her Majesty or the Government, or promotes or attempts to promote feelings of enmity or ill-will between different classes of Her Majesty's subjects, shall be punished with transportation for life or any shorter terms, to which fine may be added, or with imprisonment which may extend to ten years, to which fine may be added, or with fine."

Explanation 1.—The expression "disaffection" includes disloyalty, and all feelings of enmity or ill-will.

Explanation 2.—Comments on the measures of the Government with a view to obtain their alteration by lawful means, without exciting or attempting to excite hatred, contempt or disaffection do not constitute an offence."

"Let me say a word or two as to the scope of the new section. There is nothing in it which in any way interferes with the fair and free discussion of public matters. People are at liberty to criticise the action and conduct of the Government in all its departments. And more than that, they are at liberty to bestir themselves to procure reforms and to obtain such alterations of the law as they may think desirable, provided they do so by lawful and constitutional means. There is nothing in the section to prohibit this, but we have added *Explanation 2* to the section in order to affirm this principle expressly.

"I wish further to point this out. Subject to one possible exception, our proposed new section in no wise alters the law at present in force in India. It merely affirms in, I hope, unmistakable terms, the consentient opinions of the various High Courts which have been called upon to interpret the existing Section 124A. The possible exception consists in the provision that it amounts to sedition to promote or attempt to promote feelings of enmity or ill-will between different classes of Her Majesty's subjects. The question has not been raised or decided whether such conduct amounts to an offence under the present Section 124A. But the proposed addition is law in England, and if such a rule be required in England, with its practically homogeneous population, it is still more requisite in India, where different races and religions are in continual contact For the most part under British rule our Muhammadan and Hindu fellow-subjects live together in peace and amity, but recent agitations in various parts of India have shown how dangerous to the public tranquillity is any agitation which seeks to fan into flame those feelings of racial and religious antagonism which still smoulder beneath the surface.

"I now come to our second proposal. Section 505 of the Penal Code deals with a cognate class of offences. It punishes the dissemination of certain false rumours and statements which are conducive to public mischief. The section runs as follows :—

"505. Whoever circulates or publishes any statement, rumour or report which he knows to be false, with intent to cause any officer, soldier or sailor in the army or navy of the Queen to mutiny, or with intent to cause fear or alarm to the public and thereby to induce any person to commit an offence gainst the State or against public tranquillity shall be punished

with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

"In its present form this provision is unworkable. It is impossible for the prosecution to show that the person who circulated the false statement knew it to be false. We propose, therefore, to repeal and re-enact this section in more precise terms, making the publication of these obnoxious statements punishable, but allowing the accused to show that the mischievous statement or rumour was true in fact, and was not published or circulated with a criminal intent. The proposed new section runs as follows :—

"505. Whoever makes, publishes or circulates any statement, rumour or report,—

(*a*) with intent to cause, or which is likely to cause any officer, soldier or sailor in the army or navy of Her Majesty or in the Royal Indian Marine or in the Imperial Service troops to mutiny or otherwise disregard or fail in his duty as such; or

(*b*) with intent to cause, or which is likely to cause, fear or alarm to the public, or to any section of the public whereby they may be induced to commit an offence against the State or against the public tranquillity; or

(*c*) with intent to incite, or which is likely to incite, any class or community of persons to commit any offence against any other class or community,

Shall be punished with imprisonment of either description which may extend to two years, or with fine or with both.

Exception.—It does not amount to an offence within the meaning of this section to make, publish or circulate any such statement, rumour or report, as aforesaid, when such statement, rumour or report is true and is made, published or circulated without such intent as aforesaid."

"It may be said, and indeed it has been urged upon us that this is not going far enough. If a man chooses

to publish statements which are likely to incite our soldiers to mutiny or to cause people to commit offences against the law, he ought to be punished, whether his statements are true or false, and without regard to his private intentions. There is much force in this argument, but we should be unwilling to punish a man under this section for making a statement which is true when he publishes or circulates that statement without any criminal intent. The universal presumption of law is that a man is deemed to intend a result which is the ordinary and natural consequence of his act. When, then, a man chooses to publish a statement, or to circulate a rumour, which on the face of it, is directly conducive to grave public mischief, he cannot complain if he is called upon to show that his intentions were not criminal.

"For the present, at any rate, we have no further amendments to suggest in the substantive law, and I now wish to refer to two amendments which the Government propose to move in the Select Committee on the Code of Criminal Procedure. Section 109 of that Code provides that in certain cases people who misbehave themselves may be bound down over and required to find sureties to be of good behaviour for a term not exceeding twelve months. We propose to apply a similar procedure to the case of people who either orally or in writing disseminate, attempt to disseminate, obscene, seditious or defamatory matter. A man who disseminates, that is to say, who sows broadcast or scatters abroad, such matter, is obviously a dangerous public nuisance. It is immaterial whether he chooses, as his means of dissemination, an oral address, or a book or a pamphlet or a newspaper. We are bound to check such obnoxious conduct. But as a rule the persons who

are guilty of it are small and insignificant individuals. They may do enormous mischief among uneducated, foolish and ignorant people, but in themselves they are deserving of very little notice. It is absurd to deal with him by an elaborate State prosecution. We think that in most cases no prosecution at all will be required. It will be sufficient to give them an effective warning to discontinue their evil practices, and we think that the machinery we have devised will operate as an effective warning. The general power of revision possessed by the High Courts will secure that that machinery will not be used in any way oppressively; and we further propose that this new power should only be exercised by Presidency or District Magistrates, or especially empowered Magistrates of the first class.

"The last amendment that I have to refer to is an amendment of the second schedule to the Code of Criminal Procedure. The eighth column of that schedule declares by what court or courts the offences contained in the Indian Penal Code shall be triable. At present sedition under Section 124A is triable only by a Court of Session or a High Court. We intend to propose that offences under Section 124A shall be triable also by Presidency Magistrates and Magistrates of the first class. This amendment will, in the matter of jurisdiction, bring Section 124A into line with Sections 326, 372, 392 and many other provisions of the Penal Code where one and the same offence is of varying degrees of gravity. It is obvious that a malicious and seditious utterance which in one place and set of circumstances is of small importance, and would be adequately punished by a very light sentence, might in another place and under other circumstances be a direct incitement to rebellion and bloodshed, and merit

the severest penalties. As I have said there are many cases where an elaborate State trial is out of place, and where the merits of the case will be adequately met by a small punishment, within the competence of a Magistrate of the first class. Of course, there may be cases of graver importance. In such cases, the Magistrate will, as heretofore, commit to the higher court which is competent to inflict a severer sentence. In either event there will be this safeguard. No prosecution under Section 124A can be commenced without the previous sanction of the Local Government or the Governor-General in Council. Proceedings can only be initiated under the sanction of the authorities who are responsible for the peace and good government of the country. This was the law under the Code of 1882, and we have no intention of changing it. Of course, too, any sentence passed by a Magistrate will be subject to revision or appeal as the case may be in accordance with the general law.

"I have now detailed the amendments we propose to make in the existing law. They are few and simple, but I trust they will effect our purpose. We have no desire to interfere with the full and free discussion of all public matters. We have no desire that the Press, whether Vernacular or English, should be subject to our license and control. But the Press, like everybody else, must be subject to the law of the land. No man is bound to preach or teach or write sedition. If he chooses to do so he must do so at his own peril and take the consequences."

His Excellency the President, Lord Elgin, said :— "The Hon'ble Members will find that the amendments now laid upon the table are governed by the same principle. Their necessity has been brought to light by

recent events and by controversy on a special subject, but they themselves as my Hon'ble colleague has explained, are not directed against any special class or section of the community. They are designed to make the general law which all must obey efficient. I feel that I can add nothing to the admirably clear and precise explanation by my Hon'ble friend of the scope and intention of these amendments. But I desire in a word to express my entire and cordial concurrence in what he has said of the reasons for rejecting the enactment of a Vernacular Press Act. Personally I am most strongly of opinion that an Act of that nature is obnoxious in principle, uncertain in operation and not necessary under present circumstances It seems to me that it would be the natural impulse of any honourable mind, when we 'disclaim all sympathy with writings which are calculated to create disaffection towards British rule,' to believe, if possible, in their sincerity ; and though I could wish that the general tone of the criticism we read in papers was not so often unduly coloured by prejudice I for one am not disposed on that account to acquiesce in any general imputation of disloyalty. At all events I associate myself absolutely with the reply lately given to an appeal in the words I have just quoted by the Hon'ble member, Mr. Stevens, who for the last six months has administered the Government of Bengal in a manner that has elicited the applause of the entire community, European and native. Mr. Stevens welcomed the co-operation of the Press in securing fair and honest criticism of which, as my Hon'ble colleague has said, we deny the right to no one, but at the same time pointed out that the Government cannot divest itself of its responsibility in this matter any more than in any other of which the law takes cognisance. I, too, welcome

co-operation, while recognising my responsibility. It must never be forgotten that in interposing to prevent sedition we act not for the protection of our personal interest—with my Hon'ble friend I think that if that was all we might willingly stand the buffets—but on behalf of the public whose interests suffer if the passions of the ignorant are excited and the peace of the country imperilled; a danger none the less present, though the action to be guarded against be the action of a comparatively small number of individuals out of touch with the sentiments which animate their fellows.

"I have more than once on behalf of the Government of India declared that its aim was an administration of the law, sympathetic and impartial, but at the same time prompt and firm. It is because in my judgment these amendments will enable us to perform our duty more satisfactorily in both of these directions that I commend them to the Council."

The following Report of the Select Committee on the Bill to amend the Indian Penal Code in relation to extra-territorial offences was presented to the Council of the Governor-General of India for the purpose of making Laws and Regulations on the 4th February 1898.

"We, the undersigned members of the Select Committee to which the Bill to amend the Indian Penal Code in relation to extra-territorial offences was referred, have considered the Bill with the further amendments in the Penal Code given notice of at the meeting of the Council held on the 21st December 1897 and the papers noted in the list appended and have now the honour to submit this our Report with the Bill as amended by us annexed thereto:—

2. Clause 2.—We have altered illustration (*b*) to this clause by making it apply to a Native State in

India. We think it is unsafe to attempt to define the status of tribal territory in an illustration.

3. Clause 4.—We have carefully considered the new clause proposed by the Government, and we have inserted it in the Bill with the following amendments :—

(*a*) For the expression "the Government" we have substituted the phrase the "government established by law in British India." This restores the language of the Act of 1870. Having regard to the terms of Section 17 of the Indian Penal Code which defines "Government" the omission of the words "established by law in British India" might be held to give an extended meaning to the term "Government," whereas it ought to have exactly the same meaning as in the Act of 1870.

(*b*) We have altered the term of imprisonment from ten years to three thus restoring the law of 1870. The term of ten years is provided as an alternative for transportation in Sections 121A and 122; but apparently the framers of the Act of 1870, in Section 124A, wished to draw a marked distinction between minor offences and offences of a very serious character where transportation would be the only appropriate punishment.

(*c*) We have omitted the words "or promotes or attempts to promote feelings of enmity or ill-will between different classes of Her Majesty's subjects" and have framed a new clause to deal with the offence thereby indicated. It appears to us that the offence of stirring up class hatred differs in many important respects from the offence of sedition against the State. It comes more appropriately in the chapter relating to offences against the public tranquillity. The offence only affects the Government or the State indirectly, and the essence

of the offence is that it predisposes classes of the people to action which may disturb the public tranquillity. The fact that this offence is punishable in England as seditious libel is probably due to historical causes and has nothing to do with logical arrangement.

(*d*) We have omitted the words "or ill-will" at the conclusion of explanation 1. The expression "all feelings of ill-will" appears to us to be too wide and vague. It is only when feelings of ill-will amount to disloyalty or enmity that they constitute such disaffection as is contemplated by the clause. A certain amount of ill-will may be compatible with genuine loyalty.

(*e*) We have added explanation 3 to make it clear that criticism on the action of Government is not confined to cases in which it is sought to bring about an alteration of what has been done. For example, suppose the Government make an appointment which is considered objectionable. That appointment may be criticised, although the criticism may not have in view the cancellation of the appointment. We have made consequential amendments in explanation 2 to make the language of the two explanations uniform.

4. Clause 5. The object of framing this clause has already been detailed. In framing it we have altered the words "enmity or ill-will" into "enmity or hatred," and we have fixed the maximum punishment at two years' imprisonment.

We recommend that the clause when passed should be included in Section 196 of the Code of Criminal Procedure, so that offences under it only be prosecuted under the authority or with the sanction of the Government.

5. Clause 6.—We have inserted the clause proposed by the Government, but we have altered and

enlarged the scope of the exception to the clause. No doubt the statements, rumours and reports referred to are of a highly mischievous character, but having regard to the conditions under which modern journalism and the discussion of public questions are necessarily carried on, we think that, when the statement, rumour or report is published without any criminal intent, it is going too far to require the person who published it to prove its actual truth. To require such proof might be throwing an impossible burden upon him, and it should be sufficient for him to show that he had reasonable grounds for believing it, as, for instance, by showing that he made due inquiry before he published it.

6. The publication ordered by the Council has been made as follows :—

(The names with dates of the papers are omitted.)

7. We do not think that either the original provisions of the Bill as introduced or the further amendments in the Penal Code above referred to have been so altered as to require republication, and we recommend that the Bill be passed as now amended.

M. D. CHALMERS.
C. M. RIVAZ.
C. C. STEVENS.
H. E M. JAMES.
P. ANANDA CHARLU.*
G. H. P. EVANS. †
LAKSHMISHWAR SINGH. ‡

* I sign subject to the objections embodied in my note of dissent.

† I think the words "tending to the disturbance of public tranquillity" or words to that effect might be advantageously inserted in Section 153A.

‡ Note of dissent appended.

DISSENT OF RAI BAHADUR ANANDA CHARLU.

So far as I know, there never has been any serious doubt expressed as to the true meaning of Section 124A now in the Penal Code No difficulty could arise except upon the view that the explanation attached to the section cannot be read along with it as virtually defining the term "disaffection." It has thus become urgent to remove the difficulty interposed by that view. This is best met by throwing the substance of the explanation into the form of a definition as follows :—

"Feelings of disaffection mean all feelings incompatible with a disposition to render obedience to the lawful authority of the Government established by law in British India and to support the lawful authority thereof against unlawful attempts to subvert or resist that authority."

This, which has come from the Defence Association, I suggested in the Committee and the majority were against me. By adding to such a definition provisos such as Mr. Stephen has made part of his Section 102 in his "Draft Code," the law will, in my judgment, be elucidated far better than by the proposed explanations which I am for omitting as a necessary consequence.

The proposed words "hatred, contempt and enmity" are, in my opinion, the very worst that could be chosen. Standing by themselves, they are in the last degree, vague, misleading and obscure. By giving room for no small amount of fanciful speculation, they cannot fail to prove most hurtful to public interests by spreading a sense of uncertainty and virtually stifling all frank discussion of public questions. I would therefore score out, from the clause now proposed, the words "to bring or attempt to bring into hatred or contempt or." I may also point out that the definition I have recommended

would be wide enough to cover all forms of real political hatred, which should be penalised. I very much doubt whether what is propsed in the Bill as contained in these objected words is good or sound law at the present day.

I am for eliminating the penalty of transportation from the section. A study of the history of this section shows how it is a mistake in the section and how the Law Commissioners who sat on the original draft Penal Code, criticised it in strong terms. The danger of retaining it has been already once exemplified, and may be any day, exemplified again and again. The danger lies in its being viewed—as it is too sure to be by not a few—as the maximum permissible in all cases except where extenuating circumstances or other ground for leniency exists.

I am opposed to the proposed Clause 153A as a dangerous piece of legislation and as being impolitic (among other reasons) by necessitating Government to side with or to appear to side with one party as against another. In my humble judgment it will only accentuate the evil which it is meant to remove. Far from healing the differences which still linger or which now and then come to the surface it would widen the gap by encouraging insidious men to do mischief in stealth with the sure hope that the Government would come down on such as openly resented. It would have all the repressive effects which the proposed amendments on 124A cannot fail to have much to the detriment of undoubted rights and useful work.

In Clause 505, as proposed to be altered I would omit the words "or which is likely to cause" from each of (*a*), (*b*) and (*c*) and substitute the words "and thereby to induce any person" for the words "whereby any

person may be induced" in (*b*). Intent being in this, as in 124A, the essence of the offence, the words which I have objected to must of necessity introduce a world of confusion which might be easily illustrated. They are bound to operate prejudicially to public good. It is perhaps necessary to add, with reference to Clause 153A and the changes in 505, that whereas the prior sanction of Government which is prescribed will be something of a guarantee, it will mostly depend on the strength with which the case is urged by the District Officer; for I fear that in the face of a strong representation by the latter, the Government would, naturally, and perhaps not improperly, hesitate to take upon itself the responsibility of withholding sanction. The mischief of these sections lies not so much in the natural results which will follow, as in the unnatural and exaggerated dread they would undesirably inspire in most cases. In such a result the balance of advantage will not be on the side of the public.

P. ANANDA CHARLU.

The 31st January 1898.

DISSENT OF MAHARAJA SIR LAKSHMISHWAR SINGH OF DURBHUNGA, G.C.I.E.

I sign the report subject to the following observations:—

1. I think that, in accordance with the opinion of the majority of the judges of the Calcutta High Court it should be clearly stated in Section 124A that the intention to produce the effects mentioned therein is the basis of the offence. A similar alteration should be made in explanation 2, and after the words "by lawful means" the words "or for the purpose merely of showing that they are erroneous but" should be inserted, and after the word "without" the words "the

intention of" should be added. As the High Court has pointed out, comments made for such a purpose and without the intention of exciting hatred or disaffection are legitimate and allowable. Criminal intent is the essence of the law of sedition, as it prevails in England. It should be made quite clear that in all prosecutions under Sections 124A, 153A and 505, the onus shall lie on the prosecution to prove the intention in the mind of the accused at the time, or at all events to adduce such evidence as to enable the Court reasonably to infer the same from his acts. In this as in all other penal cases the accused is entitled to demand that his guilt shall be fully proved against him by the prosecution beyond all reasonable doubt. I submit that this class of prosecutions should not be exceptionally dealt with, but that they should be called upon to discharge the duties which ordinarily belong to all prosecutions in criminal cases, *viz.*, that the burden of proving the offence lies on them.

2. Having regard to the language of explanation 1 and to recent judicial rulings on the meaning of "disaffection" it seems to me that the words "brings or attempts to bring into hatred or contempt or" are superfluous and may lead to unnecessary difficulties. As regards 'hatred" I must confess that I am no better able than is Worcester's Dictionary to distinguish between the meaning of that word and "enmity," the term which is employed in explanation 1. As regards "contempt" the idea conveyed by that word seems to be fully covered by the rest of the section, unless indeed it is desired to give so dangerous an extension to the scope of the section as will enable Government to prosecute to a conviction persons responsible for those cartoons, skits or other comic productions with which news

papers and other periodicals not infrequently try to enliven their readers.

3. I think further that the definition of "disaffection" in explanation 1 to Section 124A is far too vague, and would recommend the adoption in its place of some such definition as that suggested by the European and Anglo-Indian Defence Association. I quote it here for the sake of convenience:—"Feelings of disaffection means all feelings incompatible with a disposition to render obedience to the lawful authority of the Government established by law in British India and to support the lawful authority thereof against unlawful attempts to subvert or resist that authority."

4. The remarks I have made in paragraph 1 with regard to the importance of making the intention the basis of the offence contemplated by Section 124A, apply equally to the offence contemplated by the new Section 153A. It should be clearly stated in the section that *mens rea* is an essential ingredient of the offence under Section 153A.

5. Both Section 153A and Section 505 when passed should be included in Section 196 of the Code of Criminal Procedure, so that offenders under them should be prosecuted only under the authority and with the sanction of the Local Government.

6. There is one more point with regard to Section 124A, which has, I think, been overlooked and which to my mind is of great importance. The section as it stands is far too comprehensive. It appears to me that some attempt should be made to restrict the discretion of judges in inflicting punishment. For instance, under the proposed section it is quite possible to punish a journalist or a public speaker who is only guilty of using indiscreet language calculated at most to give rise to trifling feelings

of irritation. Surely such action on the part of the journalist or the public speaker ought not to be considered as a penal offence. I think there should be some differentiation between the punishment allotted for acts like those mentioned above and for intentional acts of sedition."

LAKSHMISHWAR SINGH.

IN presenting the Report of the Select Committee, the Law Member spoke a very few words on the 4th February 1898 and reserved his detailed remarks for the day when the Report of the Select Committee would be taken into consideration. On the 18th February, the Council met for that purpose when the Hon'ble Mr. Chalmers said:—"I desire to trouble Council with a few remarks on the scope of the Bill, and to discuss some of the objections which have been urged against the measure.

"In the first place, this Bill is approved by the Local Governments. We have, of course, been in communication with the Local Governments from the earliest inception of this legislation, and we are now proceeding with it, backed by the cumulative weight of their authority. Now what does this mean? It means that the high officers who are responsible for the peace and good government of the provinces under their charge consider that these provisions are required. Those high officers are all men of wide experience, and they are intimately acquainted with the conditions and requirements of their respective provinces, and where we get a coincident body of opinion from them, that opinion is entitled to the utmost weight.

"Now where do the main objections to the Bill come from? They come from the people who are in

the happy position of being able to criticise without having any responsibility for the result thrown upon them. If we adopted their suggestions we should not shift the responsibility from our shoulders to theirs. It is the Government of the country, and the Government alone, which is responsible for maintaining its peace and tranquillity.

"There is another general observation which I wish to make. Most of the important criticisms on the proposed measures have come from the presidency towns. I am not going to belittle the presidency towns. A citizen of Calcutta, Madras or Bombay may well say 'that he is a citizen of no mean city.' If we were legislating only for the presidency towns, I should attach the greatest weight to these criticisms. But we cannot, we are legislating for India as a whole we are legislating for 260 millions of people in all stages of progress and civilisation, and not merely for the two millions or so of the people in the presidency towns.

"Now I want to mention some of the specific criticisms which have been made. In the first place it is alleged that in the new Section 124A, we are altering and extending the existing law under the existing section, Section 124A. This criticism is mainly based on some remarks made by Sir Fitzjames Stephen when introducing the Act of 1870. I agree that it might be inferred from some passages in his speech that he considered an appeal to force to be an element in seditious utterances. But it is a familiar rule of law that proceedings in the legislature cannot be resorted to interpret an Act. To discover what the law is, when its meaning is contested, you must look to the language of the Act itself, and, if that language has

been interpreted by the Courts, you must look to the interpretation of the Courts. The Courts of Justice, and they alone, can put an authoritative interpretation on the meaning of an Act of the Legislature. If that be applied, I feel sure that no one who candidly and carefully reads the consentient decisions of the Calcutta, Bombay and Allahabad High Courts can come to any other conclusion than this—namely, that in our new section, we are keeping well within the existing law, though we are expressing that law in less ambiguous language. By dropping the term 'ill-will' from the explanation of 'disaffection' we may be somewhat restricting the existing law, but we are not extending it. In confirmation of what I have said, I will read an extract from the unanimous decision of the Allahabad High Court which considers and sums up the previous cases. Sir John Edge in delivering that judgment observes :—

'In our opinion any one who by any of the means referred to in Section 124A of the Indian Penal Code, excites or attempts to excite feelings of hatred, dislike, ill-will, enmity or hostility towards the Government established by law in British India, excites or attempts to excite as the case may be, feelings of "disaffection" as that term is used in Section 124A, no matter how guardedly he may attempt to conceal his real object. It is obvious that feelings of hatred, dislike, ill-will, enmity, or hostility towards the Government must be inconsistent with and incompatible with a disposition to render obedience to the lawful authority of the Government and to support that lawful aurthority against unlawful attempts to subvert or resist it. The "disapprobation" of the measures of the Government may or may not in any particular case be the text upon which the speech is made or the article or letter is

written, but if upon a fair and impartial consideration of what was spoken or written, it is reasonably obvious that the intention of the speaker or writer was to excite feelings of disaffection to the Government established by law in British India, then a Court or a Jury should find that the speaker, or writer or publisher, as the case might be, had committed the offence of attempting to excite feelings of disaffection to the Government established by law in British India. To paraphrase is dangerous, but it appears to us that the "disaffection" of Section 124A is "disloyalty;" that is the sense in which the word "disaffection" has been generally used and understood during the century. We are further of opinion that the ordinary meaning of disaffection in Section 124A, having regard to the evils at which Section 124A strikes, is not varied by the *explanation* contained in the section.

'The intention of a speaker, writer or publisher may be inferred from the particular speech, article or letter, or it may be proved from that speech, article or letter considered in conjunction with what such speaker, writer or publisher has said, written or published on another or other occasions. When it is ascertained that the intention of the speaker, writer or publisher was to excite feelings of disaffection to the Government established by law in British India, it is immaterial whether or not the words spoken, written or published, could have the effect of exciting such feelings of disaffection, and it is immaterial whether the words were true or were false and, except on the question of punishment or in a case in which the speaker, writer or publisher is charged with having excited such feelings of disaffection, it is immaterial whether or not the words did in fact excite such feelings of disaffection.'

"Then it is urged that the proposed clause goes further than English law, and again some passages in Sir Fitzjames Stephen's speech are referred to. All I can say is this. If in 1870 he thought that an appeal to force was a necessary constituent of sedition, he afterwords changed his mind After he had served on the Criminal Code Commission, which was composed of some of the most distinguished Judges of modern times, he published his *Digest of the English Criminal Law.* In article 96 of that Digest he states the English law in the clear and precise terms which I read to Council on the 21st December. There is nothing in that article and there is nothing in the almost identical article passed by the Criminal Code Commission to suggest that an appeal to violence is a necessary factor in the offence. I take it that the offence is complete both in India and England if it be proved that the offender has attempted to excite disaffection towards the Government. It is not necessary that he should himself appeal to force. What he does is to excite or attempt to excite feelings of discontent which make people ready for mischief should the opportunity arise.

"But after all, these arguments are more or less academic. No one in his senses would contend that because a given law is good and suitable in England it is therefore good and suitable in India. Take for instance, the English marriage laws which are the foundation of English Society. They are based on monogamy protected by the severest penalties. But, no one would think of introducing them into India, any more than he would think of enacting by law that the people of India should wear top hats and trousers. If a rule of law exists in England we may fairly consider whether it is suitable to India, but the

answer to the question must always depend on the conditions which prevail in India. How much license of speech can be safely allowed is a question of time and place. If I smoke a cigar on the *maidan* it pleases me, and it hurts no one else. If I smoke a cigar in the powder magazine of the fort, I endanger the lives of many and do an act well deserving punishment. Language may be tolerated in England which it is unsafe to tolerate in India, because in India it is apt to be transformed into action instead of passing off as harmless gas. Look at the cow-killing riots in Western India, with the deplorable loss of life that followed: look at the murder of Lekh Ram at Lahore, at the Poona murders, and at recent events in the Peshawar District. Just the other day a Brahmin gentleman and a native doctor were murdered at Seimar by a fanatical mob. That apparently was the reward for their self-devotion in attempting to grapple with the plague and save the lives of their fellow-countrymen. In legislating for India we must have regard to Indian conditions, and we must rely mainly on the advice of those who speak under the weight of responsibility and have the peace and good Government of India under their charge.

"Now let me say a word or two about the changes introduced in the Select Committee. We have added a further *explanation* to Clause 124A. The second explanation was intended to protect fair and honest criticism which had for its object the alteration of the policy pursued by the Government in any particular case. Some people were apprehensive that the express declaration of this principle might be held impliedly to negative the right of the people to criticise Government action when that criticism could not lead to a reversal of such action; for instance, criticism on past

expenditure, or criticism of an appointment which the critic may think objectionable. I think this apprehension was quite unfounded, but in order to allay it we have introduced the third *explanation*. We have also removed the offence of stirring up class-hatred from the sedition clause, and have inserted it in the chapter relating to offences against the public tranquillity. This offence, no doubt, only affects the State indirectly. It affects the State through the danger it causes to the public tranquillity. It is less akin to treason than a seditious attack upon the Government by law established, and therefore we have provided a much smaller punishment. But in India, the offence is a very dangerous one. When class or sectarian animosity is directed against any section of Her Majesty's subjects, the members of that section are in peril. Any accidental event may cause an explosion, and it is difficult to foresee the direction which the explosion will take. The persistent attacks made on the officers and helpers engaged in plague operations have already resulted in sad loss of life. A squabble over an alleged mosque gave rise to a dangerous riot which at one time, it was feared, might turn into a general attack on the European community in Calcutta. We wish to trust to prevention rather than cure and by taking power to punish people who foment class animosities to obviate the necessity of putting down the consequent disturbances with a high hand.

"In Section 505, the Select Committee have made considerable modification. As the clause now stands, I think it need cause no apprehension to any speaker or journalist who acts in good faith. It must be borne in mind that the clause does not strike at mischievous and mendacious reports generally. It is aimed only at

reports calculated to produce mutiny or to induce one section of the population to commit offences against another. If a man takes upon himself to circulate such a report, he surely cannot complain if he is asked to show that his intentions were innocent, and that he had reasonable ground for believing the report.

"But though we think and believe that the measures we have proposed are necessary, we have provided safeguards against any possible abuse of them—safeguards which, I may observe, are unknown to English law. My Hon'ble friend, the Maharaja of Durbhanga says in his note of dissent that under the proposed Section 124A, 'it is quite possible to punish a journalist or public speaker who is only guilty of using indiscreet language calculated at most to give rise to trifling feelings of irritation.' May I call his attention to Section 95 of the Indian Penal Code, which provides that 'nothing is an offence by reason that it causes, or is intended to cause, or that it is known to be likely to cause, any harm, if that harm is so slight that no person of ordinary sense and temper would complain of such harm.' In the highly hypothetical case which he puts, it seems to me that his journalistic friend would have committed no offence, and would have nothing to fear. If you put hypothetical cases and assume that the law will be strained and administered without common sense there is scarcely a section of the Penal Code that ought to be allowed to stand for five minutes. But we have provided another and wider safeguard. As the law now stands, no prosecution under Section 124A can be commenced without the authority of the Local Government, or the Government of India. We intend of course to maintain that rule and further to apply it to offences under Sections 153A and 505. There remain the rights of appeal and revision. Every

sentence passed under the provisions I have referred to can be brought in one form or the other under the cognizance of the High Court.

"I freely admit that our proposals have met with a good deal of adverse criticism. But, then, what are the alternatives? We have been urged both from official and private sources to re-enact the Press Law. But we are entirely opposed to that course. We do not want a Press in leading strings that can be made to dance to any tune that its censors may think fit to call. We want simply a Free Press that will not transgress the law of the land. We are aiming at sedition and offences akin to it, and not at the Press. Sedition which is taught and preached orally is even more dangerous than written sedition, because it operates more directly on the ignorant and therefore the dangerous classes. Some of our critics apparently would have us sit idle till an outbreak has occurred and then call upon us to suppress it by violent methods not known to the law. As a sample, let me cite an example from a Calcutta daily paper which disapproves our present proposals:—

'We cannot govern Calcutta as a Western City. In places like Algiers or Samarkand, the religious leaders of the Mahomedan community are told that they will be held responsible for order, and it is found that it has a magical effect. In England to lock up the clergy would be probably ridiculous and quite useless as a means of avoiding a riot, but that is the difference between Calcutta and London, and yet we try to govern Calcutta just as we govern London. We must begin by recognising that we live in the East and do as the East does.' (*Indian Daily News*, 12th July 1897).

"But we have chosen much less drastic methods than those suggested to us. We have proposed what we

think, and are advised, to be reasonable amendments in the law, and we intend to supplement the substantive law by providing a prompt and workable procedure to put it in force."

In reply to the other Members, the Hon'ble Mr. Chalmers said:—"I only wish to say a few words in reply to the various points which have been raised in the course of the discussion that has taken place. Perhaps the most convenient way would be to take the points as raised by the speakers in order. Some of these points I shall pass over for the reason that they will arise again hereafter on the amendments which are to be moved, and it will be unnecessary therefore for me to discuss them now. I will take the points in the order in which they have been raised. I will first take the speech of my Hon'ble friend, Mr. Allan Arthur, who I am glad to see, has seen his way to give us the weight of his support. He feels, however, two doubts. First of all he feels doubts about entrusting powers to try cases to Magistrates. Well, I may point out that this question does not arise on the present Bill. I hope that when we come to deal with the Code of Criminal Procedure, we shall be able to supply arguments which will remove any doubts he may have on that point. At the present moment we are dealing with the substantive law. Then, again, he feels, and several other members have expressed the same feeling, doubts about introducing into the section the terms 'hatred and contempt.' May I point out to him that we are doing nothing new. May I point out that for seven years in Calcutta that has been the law as expounded by the late Chief Justice of the Calcutta High Court, Sir Comer Petheram. I will read only two lines from Sir Comer Petheram's judgment. Speaking of Section 124A he says: 'It is sufficient for the purposes of the section

that the words are calculated to excite feelings of ill-will against the Government and to hold it up to the hatred and contempt of the people.' This is the law under which my friend has lived for the last seven years. I do not know that he or any one in whom he is interested has found that law oppressive; but the very fact that he raises this objection seems to me to be a good reason why we should re-enact the provisions of Section 124A, and, as my Hon'ble friend Mr. Nicholson said, why we should unfold its meaning, because, if people are liable to punishment it is better for them to know beforehand in what respect they are so liable.

"I should like now to say one or two words in regard to what fell from the Hon'ble Mr. Chitnavis. I can relieve his mind at once about one criticism. He says that in the Bill we have used the words 'Her Majesty,' but have not used the words 'Her Majesty and Her Successors' If my Hon'ble friend had been in the Council last year, he would have read an Act called the General Clauses Act, which was passed last year, and in that he would have found that the term 'Her Majesty' means 'Her Majesty and Her Majesty's Successors.' I think, therefore, that I can remove his apprehensions on that score. Then he raises another—a very important question—the question of punishment. He says that the punishment prescribed by the section is too severe. Well, the punishment remains the same as it was thirty years ago. It remains the same as it has been since 1870: we are not increasing the punishment. As a matter of fact, the extreme punishment has never been inflicted, but I am bound to point out that in a case the other day which was appealed to the High Court of the North-Western Provinces, the learned Judges did observe that the punishment awarded by the Lower Court was grossly

inadequate. There may, therefore, be cases where, in the opinion of the High Court, these offences cannot be met by a small and summary punishment, but no doubt, the mass of the cases can be met by a small and summary punishment. We propose, indeed, to limit the punishment by giving jurisdiction to Magistrates whose powers are limited. When a case is tried before a Magistrate, *ipso facto* the power is thereby limited. I can only repeat again what I stated on the last occasion. Sedition is an offence which varies in its mischievous effects according to time, place and circumstances, and the punishment must vary accordingly. I can quite imagine a case where some words spoken, or say, rather written in a book dealing with political forms of Government might be seditious. An adequate punishment, if any punishment was acquired, might be a very small fine indeed. But, if these same words were spoken to an angry mob with arms in their hands, why the words would require and deserve the severest punishment which the law provides. We have allowed for the latitude of punishment according to the circumstances. We must trust the Courts to mete out proper punishment. If the offence by its surroundings calls for a severe punishment, the section allows it; if the offence calls for a nominal punishment the section allows it; and moreover we have this additional safeguard, that if merely a nominal punishment is called for, the Government is not likely to authorise or sanction a prosecution.

"I come now to what was said by the Hon'ble Sir Griffith Evans, and he called our attention to an alternative suggestion which has been made to us from many quarters, namely, that we should not proceed against sedition, but that we should amend our law of defamation and enable the Government to prosecute papers who

defame it for defamation. Well, I have not consulted with my colleagues on that subject, but speaking for myself it appears to me that the proposed course would not meet our views at all. What is the meaning of the law of defamation? A prosecution or suit for defamation is a remedy given to a person who feels himself aggrieved because his reputation has been attacked. Is that the position of the Government? It seems to me and I am speaking for myself, that the Government do not care a brass farthing for what is said about them, for what does it matter to them? What they care about, however, and what they wish to interfere with and prevent, is not abuse of themselves, not abuse of the Government, but the spreading and stirring up of a spirit of sedition and discontent among the people which is an ever-present source of danger to the community. But, quite apart from that general objection, there are other difficulties of procedure. Suppose, for instance, that some paper which is published so far off as Quetta defames the Government and has to be prosecuted, how is that prosecution to be conducted? I suppose it would be pleaded that its allegations are true, and that they were published for the public benefit. Take for instance a statement I saw in a paper last week saying that owing to the Government of India by the British the golden age had passed away, the people were unhappy and that it was better for them to die than to live under such a Government. Supposing the Government were to prosecute for defamation? I presume that the members of the Government would have to go down there, they would have to appear on the scene and be examined and cross-examined as to every measure the Government had ever taken; and I suppose the whole of the evidence given before the Welby Commission would

be material to the issues to be tried. That clearly is an impossible procedure.

"Next I want to say a word or two about my friend the Hon'ble Rai Bahadur Ananda Charlu's speech. I must say that I tender him my very hearty thanks He has said more than I could say in favour of this Bill. I used as an illustration that although I might lawfully and properly enjoy a cigar on the *maidan*, I could not do so lawfully and properly in the powder magazine in the Fort My friend took issue on that point and proclaims his right to smoke in the powder magazine in the Fort. Now that is what I complain of in the attitude which is taken up by many of our critics. They say, 'we should have the right of free speech; we may cause an explosion; but we do not care who is injured so long as we can say what we like and when and where we like; we do not care whether our remarks are calculated to cause disturbances or whether they are not. What has that to do with us? We will smoke in the powder magazine.' But that is exactly what the Government are bound to see that the people do not do. They are bound not merely to discourage appeals to violence, but they are bound to see that a spirit of discontent is not spread abroad which might at any moment and at any place give rise to an explosion. It is perhaps difficult to express it in language, but that is the very point of our section. We want to discourage people who do this. They lay the train of gunpowder; they do not fire it themselves; they trust to a chance spark or to somebody else setting it alight. That is the very essence of the evil we have to aim at and to stop in India. My friend the Hon'ble Rai Bahadur Ananda Charlu says that there is no sedition in India. I quite believe that he is speaking in good faith; he is

loyal himself, he mixes only with loyal people, and reads only loyal newspapers. I am very glad he does that; but if he had to read through the weekly reports of the Press as we have to do, I am certain that he would come to a very different conclusion. He says we are acting on sentiment and not information, or only on second-hand information. All I can say is that we have more sources of information than he has. His information that there is no sedition in India is not only second-hand but third or fourth hand. The Government is in the best position of anybody to get information as to what is the true state of the country, and we are acting now, I am glad to say, backed by the authority of our responsibe advisers.

"There are one or two other points which I think I ought to mention. My friend the Hon'ble Pandit Bishambar Nath is afraid, if this law passes, the public Press will not be able to help Government by giving it information. There is nothing in the law to prevent the Press from giving information; but even supposing it were so, I do not know that the best way to call the attention of the Government to some abuse that you want rectified is to write about it in an up-country vernacular paper. I should say that a much better way is to call the attention of the Government directly to the point. If you write a letter (say) to the *Beluchistan Times*, it may not come to the notice of Government; but if you write direct to the Government they get the letter at any rate. I am perfectly certain there is nothing in the proposals which will in any way interfere with what my Hon'ble friend desires, that is, a free, fair and honest discussion of all public questions.

"I have only one word more to say about my Hon'ble friend, Mr. Sayani's point. He seems nervous

that persons who are natives of India should be liable to be prosecuted in British India for offences against British Indian law committed outside British India. All I can say is that this has been the law for twenty years. Ever since the Foreign Jurisdiction and Extradition Act of 1879 was passed, the natives of British India have been liable for offences against British Indian law committed abroad. As a matter of fact, I may mention that a native of India has been hanged in India for a murder committed at Perim, and another has been hanged in India for a murder committed at Cyprus. But that law has never been used oppressively, and the proof that it has not been used oppressively is that my Hon'ble friend does not seem to have been aware of its existence, he has never apparantly read the Act, although it has been in existence for over twenty years; the very fact shows that the law has not been oppressively used in the past, and I do not think it will be used oppressively in the future."

The Bill to amend the Indian Penal Code thus explained by the Law Member and as settled by the Select Committee was passed by the Viceroy's Legislative Council on the 18th February 1898. Several amendments were proposed, but only one was accepted by the Government, namely, the one proposed by Sir Griffith Evans, which was an explanation to the new section 153A. The Act received the assent of the Governor-General the same day and was promulgated for genera information the next day, that is, published in the *Gazette of India* of the 19th February 1898 as Act IV of 1898. This law is now in force. Thus it is clear that the complications that arose in Bombay owing to Plague Regulations in 1897-98 and the secret murder of Messrs. Rand and Ayerst on the night of the Jubilee celebration at

Poona, created the occasion for amending the law on Sedition, just as the Wahabi conspiracy of 1870 led to the promulgation of the sedition section in the Penal Code. The century closed without any further addition to the fetters of Indian Journalism. But the relation of the Press of India as a whole with the Paramount Power has, instead of becoming cordial and conciliatory, become a standing opposition. The methods adopted by the Government during the century reviewed for putting down sedition in the Press were observed by the Chief Justice Sir Francis Maclean in a speech as utterly wrong, and the remedy he suggested was "Sympathy, boundless sympathy with the Press and the People." In closing for the present the history of the Press in Bengal, it is only desirable to remind those who are in power of the golden maxim of Cardinal Newman—"It is not by laws, far less by bayonets, that nations are governed; they may enable either a man or a nation to conquer the world, but not to rule it. Sympathy, boundless sympathy can only conquer the hearts of a people." In the next article I shall begin the History of the Press in Bombay.

S. C. SANIAL.

Art. V.—SOME INDIAN NOVELS

EIGHTEENTH century India has many chroniclers, especially in the field of travels and general literature. We have on the one hand the monumental works of Ives, Grose and Hamilton and on the other those of Leyden, Gilchrist and the greatest of all Sir William Jones who is praised by hundreds but read by units. The main feature of the nineteenth century, however, is the large output of novels and light literature, which far exceeds that of any other literary form. Vast and bewildering though their number be, there are but few Anglo-Indian novels which can claim to anything like a permanent place in the field of letters. There are, of course, a few bright exceptions and we shall try to study the more important ones. Indian novels may be studied under two broad divisions, *viz.*, the historical and social, the one dealing with some important or interesting fact connected with the history of India, the other busying itself with the mode of life led by Europeans in India. The historical novel, again, may be treated under two periods, *viz.*, the pre-British and British periods, the latter including the Mutiny.

Indian Period.

The first great name in the history of Anglo-Indian fiction is that of Colonel Meadows Taylor. He was for many years Commissioner of the Western Ceded Districts of the Deccan and by his sympathetic treatment had endeared himself to the people and on his death in 1876 left an honourable reputation by his successful administration. He declared that he wanted to bring India nearer to England by writing about the

people among whom he lived and whom he loved. This he accomplished by writing three novels on three great periods of Indian history which occurred at an interval of exactly a hundred years. The one that dealt with the earliest period is *Tara* which was published in 1863 and, on its publication, was characterised as the most successful novel of native life. The action of the tale is placed about the year 1657—the year of the origin of the Mahratta power—when Sivaji was plotting against the King of Bijapur and even against the authority of Aurangzeb. Tara the heroine of the tale is a noble conception and is presented to the reader as the child of her faith till she becomes its victim. Among other characters Moro Trimmul and Tannaji Maloosray are still remembered in Mahratta history as the leading followers of Sivaji. But by far the best drawn and most interesting personage is Pahar Sing, the robber-chief who took service in the Mahratta cause. A descendant of his, writes Colonel Taylor figured in the Mahratta war of 1818-19 and subsequently took to highway robbery. Ten years later the family were engaged in dacoity and thuggee and it was not till 1850 that the gang was hunted down by the author and the last six of them brought to justice. It would thus be seen that Colonel Taylor has ingeniously treated from types familiar to himself the personages of a bygone time to illustrate the rise of the Mahrattas and their first blow against the Musulman power. The book gives a charming picture of some of the most beautiful scenery and pleasing features of native life in the Deccan. Colonel Taylor's next work was published in 1865 under the title of *Ralph Darnell*. It gives a succinct narrative of the rise of the English political power in the victory of Plassey in June 1757 and

contains, among other incidents, a graphic account of the Black Hole at Calcutta. Seven years later appeared our author's *Seeta* which depicts the horrors of the Mutiny of 1857. Long before the publication of these three historical tales Colonel Taylor had written in 1840 *Tipu Sultan* in which is told the story of the Mysore War of 1788-89 with a detailed account of the time. Tipu, however, is pourtrayed in darker colours than reality will justify. The author's delineation of Indian scenery and Mahomedan manners as they appear in Hindustan is remarkably successful. Colonel Taylor's last work *A Noble Queen*, published in 1878, chronicles the story of the heroism of Queen Chand Bibi, who, in the sixteenth century, resisted the Moghul armies and saved the town of Bijapur. As has been rightly observed these tales of Colonel Taylor's are very long and, like most of the novels of fifty years ago, very leisurely and at times heavy. The stories are sometimes wanting in interest on account of their anomalous position regarding their fidelity and accuracy, but as pictures of native life and customs they have never been excelled.

Anglo-Indian Period.

Perhaps the earliest work on fiction dealing with the Anglo-Indian period of the history of India was written in 1879 in two volumes by Mr. S. S. Thorburn, B. C. S., who described Indian society particularly in the North-Western Frontier, in a book entitled *David Leslie: a story of the Afghan Frontier*. It depicts the manners and customs of the Hindustani and predatory Pathan tribes on the borders of India and imparts valuable political lessons interwoven with amusement. The military Deputy Commissioner is a capital sketch.

Mr. G. A. Henty, who acted as Special War Correspondent of the *London Standard* in various parts of the world and who was afterwards editor of *Union Jack*, a journal for boys, wrote in 1883 a book entitled *With Clive in India: or the Beginnings of an Empire.* It is a popular history of the middle eighteenth century and all the historical places and characters including Arcot and Plassey, the Black Hole, Omichand and Siraj-ud-Daula are introduced. The book on the whole gives a fairly reliable account of the prowess of the Englishmen of the time. Among other works by the same author may be mentioned *In Times of Peril : a Tale of India* (1881) and *For Name and Fame ; or through the Afghan Passes* (1885). In the latter year was published a two-volumed story under the title of *Primus in Indis* by Mrs. C. Scott who wrote under the pseudonym of M. J. Colquhoun. It gives an account of the 39th regiment which bears the words "Primus in Indis" on its colours, in acknowledgment of the services which that Corps—originally known as Adlerkrons—played in Clive's campaign of 1756-7. In recounting the adventures of her hero, Neville Ravensthorpe, the authoress gives us a glimpse of eighteenth century society and the little touches introduced here and there show that the relations between Englishmen and Indians were much more cordial than they were a century later. Another book by the same writer is entitled *Every Inch a Soldier* and was published in three volumes in 1888. Captain John Percy Groves, of the 27th—Inniskillings—regiment, gives us a stirring story of military life relating to the events connected with the campaign against Tipu Sultan and the capture of Seringapatam in a book entitled *The Duke's Own: or, the Adventures of Peter Daly.* It was published in 1887, *i.e.*, two years after the

publication of the author's *A Soldier Born*, a tale in which he chronicled the adventures of the 95th in the Crimean Campaign and the Indian Mutiny. Among modern novelists no name perhaps stands more conspicuous than that of the talented lady who writes under the pen-name of Sydney C. Grier. In her first literary achievement which goes by the name of *In Furthest Ind* (1894) Miss Hilda Gregg gives us an admirable picture of the English in India in the seventeenth century, or, as the authoress herself puts it, "a general idea of the lot of an Englishman in the East during the earlier stages of what is correct to call the expansion of England." She has, in her way, been successful in this object and furnishes us with a glimpse of the struggles between the Portuguese, the French, the Dutch and the English for obtaining a footing in the East. The narrative of Edward Carlyon, late of the Hon'ble East India Company's Service, is full of life, variety and colour. In *Like another Helen* the same writer entertains us with a bold and successful attempt to mould an historical romance out of the early history or rather the foundation and rise of the Indian Empire. A correct and graphic description of the Black Hole tragedy and the siege of Fort William by Siraj-ud-Daula is given in the book. Her account contains many fresh facts extracted from contemporary personal records and woven into the narrative with considerable skill. The book is written in the form of a series of letters relating the adventures of Sylvia Irene. Holwell, old *Padre* Bellamy and his son, Admiral Watson, Hastings, Clive and other historical personages are introduced into the story with great success. It has been truly observed that the actual and lifelike way in which the characters are depicted makes one think as if he is perusing a

contemporary document. In 1904 was published Miss Gregg's *The Great Proconsul.* It is not a book of so much fancy or interest as *In Furthest Ind* or *Like another Helen.* The narrative is presented in the form of memoirs by Mrs. Hester Ward, a friend and dependant in the family of the Governor-General. She is pourtrayed as a respectable female of her time. We have an account of the revolt at Benares, the Mahratta War, the Carnatic War and the dissensions in the Council of the Governor-General. The character of Warren Hastings is depicted with considerable skill and he stands out lofty, brave and unselfish. His adored Marian is well drawn and the book presents a living picture of the manners and customs of a past age. We find Sir Eyre Coote endowed with the divine gift of winning victories; Sir Elijah Impey, the able lawyer who knew how to maintain the independence of his court; his spouse Lady Impey, who swore that Madame Imhoff shall pay her the first visit; "Curricle" Barwell who encouraged Francis to play for high stakes in order to get him into his power. We get also a glimpse of Lady Anne Monson, a great grand-daughter of Charles II. by Barbara Villiers, who used to be the life of the concerts and card parties and was a very superior whist-player.

Mutiny Novels.

Quite a respectable number of novels have appeared relating to the great Indian Mutiny. The first story connected with that memorable event, so far as we have been able to ascertain, is entitled *The Wife and the Ward: or A Life's Error* (1859). It was written by Lieutenant-Colonel Edward Money, who had served in the Crimean War and in

India where he afterwards became a tea planter. In 1872 he obtained the prize awarded by the Agri-Horticultural Society of India by writing an essay on the "Culture and Manufacture of Tea." The "Life's Error" referred to in the title of the book is the marriage of the hero (who was given the choice of two beautiful girls) with the wrong person. Although a respectable man he afterwards fell in love with the other girl who is the "ward" when it was too late. The characters in the story are drawn from life and the tragedy of the Cawnpore massacre is described in the concluding chapter. The publication was reprinted in 1881 under the title of *Woman's Fortitude: a Tale of the Cawnpore Tragedy.* In 1868 was published a three-volumed novel on the mutiny entitled *First Love and Last Love* from the pen of Mr. James Grant of the 62nd Regiment. Eight years later appeared Sir G. T. Chesney's Anglo-Indian masterpiece *The Dilemma.* It gives a graphic account of the defence of a lonely mofussil station in which the hero of the story fought desperately against odds. A sustained and powerful though tragical love interest—that of the young subaltern Yorke for Olivia, the daughter of a highly placed civilian—runs through the book. The author gives a faithful picture of what the Mutiny meant to mofussilites who had not time to concentrate in a big town. The study in madness at the end of the book, when Olivia's brain at last gives way before her sorrows, is superb and reminds one of the ravings of an Ophelia. *The Afghan Knife*, a three-volumed Mutiny novel, appeared in 1879 and was written by Robert Armitage Sterndale, who afterwards became Governor of St. Helena. Two historical characters are introduced in the book, *viz.*, Syed Hyder Ali who is meant for

Azimulla Khan, the Chief Agent and officer of Nana Sahib, and the clever, beautiful but cruel Rani of Asalghar who is the Rani of Jhansi under an alias. *The Touchstone of Peril: a Tale of the Mutiny* was issued in two volumes in 1886 from the pen of Dudley Hardress Thomas. A second edition of the book appeared one year later. The scene is laid in an old indigo factory in the United Provinces and the story gives us an insight into native habits of thought and life and other things that lie beneath the surface of Anglo-Indian life. Major J. N. H. Maclean wrote in 1887 a legend of the Mutiny under the title of *Rane* in which he says that he was actually a witness to the occurrences described and took an active part in many of the adventures and tragic scenes. *Rujub the Juggler* is a vivacious three-volumed novel written in 1893 by Mr. G. A. Henty, already mentioned. It turns upon the tragic weakness of a man morally brave and capable of great acts of valour, who, nevertheless cannot bear the noise of firing without experiencing something like catalepsy. The feats of Rujub are of an astounding kind, and include many achievements which are due to thought-reading and hypnotism, besides the basket trick and other familiar Indian wonders. By far the best novel on the Mutiny, omitting most of its horrors, is Mrs. Flora Anne Steel's *On the Face of the Waters* which was published in 1897. R. E. Forrest's *Sword of Azrael* (1903) is a manly though mechanical story shewing the author's exact acquaintance with the surface of Indian life without an intimate knowledge of it. In his *Eight Days* (1861) the same author chronicles the events of the Mutiny from the 8th to the 15th May, 1857. *Jenetha's Venture* (1899) by Colonel A. F. P. Harcourt describes the siege of Delhi, while in *The*

Peril of the Sword the same author recounts the incidents connected with Havelock's relief of Lucknow. The latter publication, it may be noted, is dedicated to Field Marshal Earl Roberts. A good story of thrilling adventure and a capital study of the Mutiny is H. C. Irwin's *With Sword and Pen* (1904). The narrative is simply and naturally told without any tiresome details and "there is a go about it which keeps it ever in action." The latest novel on the Mutiny (1907) is the *Red Year* by Louis Tracy. It gives a popular and graphic account of the massacre of Cawnpore and the siege of Lucknow. The author enjoys the distinct advantage of knowing the country as he was connected with the Press and had visited the scenes described. The historical celebrities of the period, such as Nicholson, Havelock, Sir Henry Lawrence, the last Moghul Emperor Bahadur Shah and his daughter Roshenara Begum are effectively introduced into the story. The love interest is slight but the adventures of the hero, Major Frank Malcolm, and his servant, Chumru, especially their hairbreadth escapes from the hands of the enemy, make sensational reading. As the author himself observes, the work is more a history than a romance.

Novels of Hindu Life.

Mr. W. B. Hockley of the Bombay Civil Service, who had served under the Commissioner in the Deccan and in the Judge's Court at Broach, wrote in 1826 a three-volumed novel entitled *Pandurang Hari: or Memoirs of a Hindoo.* The book was published anonymously and was almost forgotten, so much so that when Sir George Birdwood recommended its republication, the publishers were indebted to the liberality of Lord Talbot de Malahide for one of the few copies of the

book which could be traced by Colonel Meadows Taylor in any library with which he was acquainted in the United Kingdom. A new edition was issued in Bombay in 1861 and another with a preface by Sir Bartle Fere in 1877 and again in 1883. The book gives an authentic picture of native Indian society and the inner life of orientals. Mahratta life, as it must have appeared in the latter and more corrupt days of the Peshwa's government, is faithfully depicted in its pages. Its great recommendation is its accuracy, and Pandurang Hari has been called the Anastasius of India. But Hockley's best production is a collection of lively tales (2 vols., 1827) which goes by the name of *Tales of the Zenana: or, A Nawab's Leisure Hours.* An introduction was added in 1874 by Lord Stanley of Alderley. These tales remind one of the *Arabian Nights*, and at the time of publication were given an even higher place by a section of the public. The book was considered as the greatest achievement in the sphere of fiction which was produced by Anglo-Indians before the appearance of Meadows Taylor's *Tara*. The latest novel on Hindu life is the *Silver Zone* by Kathleen P. Emmett (Mrs. Foley). The book was published by Murray this year and is interesting as being dedicated to the Princess of Wales as a "faint echo of a chime of Eastern bells." It is purely a story of Hindu life, without any European character in it and describes life as it is lived in a Himalayan valley near Dehra Doon. The merit of the book lies in the sympathetic insight evinced by the authoress into some of the phases in the life, laws and customs of the Hindus. "The continuity of Hinduism through the centuries and the supreme unimportance to the individual of the systems of Government introduced from the West are

exemplified in the heroine Asta who goes through life in the twentieth century almost exactly as her forbears did in the tenth." Mrs. Foley shews her appreciation o the wide charitableness of native life and her descriptions of the quiet domestic lives of the Hindus are interesting and true to nature.

Anglo-Indian Novels.

Of the works of fiction dealing with social life in the Anglo-Indian period perhaps the earliest is a three-volumed novel entitled *The Missionary: an Indian Tale.* It was written by Miss Sydney Owenson (afterwards Lady Morgan) and published in 1811, the year before her marriage with Sir Thomas Charles Morgan, M. D. *English Homes in India* was published in 1828 and is designed to illustrate Anglo-Indian life as it was lived in varying phases by Anglo-Indian workmen from the resident at a native court to the subaltern officer and the railway employè. *The Bengalee: or, Sketches of Society in the East* was written by H. B. Henderson in two volumes in 1829, while Augustus Prinsep, a Civil Servant of the Bengal Establishment, wrote, five years later, another two-volumed novel descriptive of society in India, which went by the name of *The Baloo and other Tales.* In 1839 was published in three volumes the well-known *Confessions of a Thug* by Colonel Meadows Taylor. It professes to be the autobiography of Amir Ali, a notorious disciple of Bhabani, with whom murder by the 'roomal' was a religious rite as well as a hereditary profession. The narrator of the story had garrotted seven hundred men and only regretted that he had not reached four figures. The book abounds in details of a system of assassination which becomes all the more fearful from the part

which superstition takes in its organization and maintenance. They are cleverly woven into a story—gruesome though it is—relieved with episodes illustrating Indian life and manners. Amir Ali's recital of the terrible hours passed by him in the prison cage at Jhalone is truly graphic. The next novel of any importance was published in two volumes (1841), under the tittle of *The Marriage Mart: or, Society in India* by "an Indian Officer." *Peregrine Pultney: or, Life in India* appeared in three volumes in 1845 from the pen of Sir J. W. Kaye. This lively novel was reprinted from a Bengal journal and recounts the story of a cadet of the Bengal artillery. The book contains a good satirical picture of life in India. The same author wrote in the following year *Long Engagements: a Tale of the Afghan Rebellion.* In 1853 appeared *Oakfield: or, Fellowship in the East* from the pen of W. D. Arnold, brother of the famous Matthew Arnold. He had come out to India in 1848 and became Director of Public Instruction in the Punjab in 1856. To his memory his brother Matthew wrote a *Southern Night* and alluding to his grave at Gibraltar said: "The South was parent of his pain, the South is mistress of his grave." The book gives the story of an Oxford man brought out in strict ideas of duty and conduct, who goes to India and revolts from the dissipation of the Anglo-Indian community and their disregard of native interests. A high moral tone pervades the book which gives also a description of the second Sikh War and the Battle of Chillianwalla. In the same year appeared *The Wetherbys* and *Too Clever by Half* from the pen of John Lang, who, unlike Arnold's treatment of the subject, exposed the vices of Anglo-Indians in their ugliest colours and lashed them with the most caustic satire. *Randolph Methyl: a Story of*

Anglo-Indian Life by W. W. Ireland, the author of the *History of the Siege of Delhi*, appeared in 1863.

Major Charles F. Kirby wrote in 1867 a three-volumed novel entitled *The Adventures of an Arcot Rupee* in which he attempts to give some account of the British rule in India when Wellesley and Tipu Sultan were the conflicting heads and when the "Pagoda Tree" was in full luxuriance. The Arcot Rupee in passing from one master to another, both native and British, learns the secret of all parties including the love affairs of various individuals. The author is well up in his subject but lacks the gift of making his tale entertaining. His style is stiff and the story is dry and full of Indian slang. In 1869, was published a three-volumed novel entitled *Veronique* from the pen of Florence Marryat. She was a daughter of the well-known Captain Marryat and had married, when she was still under sixteen years, at Penang in 1854, Major-General T. Ross-Church, C.I.E., of the Madras Army. He was a son of an old Madras civilian and was a young subaltern at the time of his marriage. She had travelled over nearly the whole of India, and, although she had eight children, found time to write some ninety novels, many of which were translated in various European languages. After the death of her first husband, she married in 1890, Colonel Francis Lean of the Royal Marine Light Infantry. The character of the heroine Veronique is particularly well drawn, especially her purity, innocence and moral courage—a mixture of womanly weakness and strength. Similarly, the authoress shows considerable power in the description of the character of the gay and handsome young aide-de-camp, Captain Gordon Romilly. Of the minor characters, Mrs. Colonel Dowdson is at once the most amusing and most natural. The

scenes at the Ootacamund Post Office and at Mrs. Dowdson's levée are true to life though slightly exaggerated. Mrs. Church had contributed to the "Temple Bar" certain sketches of Indian life and character, which, when reprinted in 1868 under the title of *Gup*, met with severe criticism at Madras and elsewhere. She was so bitterly mortified at the hostile reception of her book that she attempted to sneer down her critics by making the unjust assertion in *Veronique* that the greater number of those connected with the local Indian press are half castes. Again, she took her revenge on India (which she had never liked) for the nine years of exile that she passed in this country by remarking that India is the nursery of bigotry, prejudice and small mindedness. One or two other hasty generalisations of a like nature mar the otherwise interesting pages of this charming romance. Perhaps the cleverest and most cutting satire on Anglo-Indian life is *The Chronicles of Budgepore* (1871) by Iltudus Pritchard. As the author himself states in the Preface, the book is intended to illustrate some characteristics of social and official life in Upper India both in European and Indian Society and to show the quaint results which indiscriminate and often injudicious engrafting of habits and ideas of western civilisation on oriental stock is calculated to produce. This is accomplished by adopting the plan of stringing together an immense amount of acute criticism and cruel, if just, sarcasm on a series of thin sketchy plots. Four years later appeared in two volumes that remarkable work *The Chronicles of Dustypore: a Tale of Modern Anglo-Indian Society*, by the Author of "Wheat and Tares," who is no other than Sir Henry Stewart Cunningham. He was Advocate-General of Madras and had latterly acted as a Judge of the

Calcutta High Court and had married a daughter of Lord Lawrence. The book recounts the story of the wife Maud—a pleasing, if irritatingly foolish, kind of girl—who flirts abominably on the hills while her husband is fighting in the hot plains. But she loves him all the same in a hazy sort of way and is startled and suddenly recalled to her true self when unexpectedly she hears that her husband, Colonel Sutton, is down with the cholera. She rushes down to the lonely station in the plains where her husband is hovering between life and death, and in doing so risks her own life. All her old love returns and he at length gets well and they live happily ever after. A noticeable feature of the work is that the characters are all taken from contemporary society. As has been pointed out in a recent issue of *Bengal: Past and Present*, the organ of the Calcutta Historical Society, "Dustypore" is Lahore and "Elysium" Simla; "Felicia" is Mrs. Waterfield ("R. H. W.") to whom the book is dedicated, while "Des Vœux" is Sir Lepel H. Griffin, formerly Chief Secretary to the Government of the Punjab; "Fotheringham" is Mr. Lindsay and "Sutton" is Brigadier Keayes and two other Punjab heroes rolled into one. The *Athenæum*, however, states that Colonel afterwards General "Sutton" is no other than Lord Napier of Magdala. In the *Cœruleans* (1887) which is called a "vacation idyll" Sir Henry Cunningham shows his remarkable smartness of conversation and keenness of dialogue, combined with a light airy way of looking at things. He describes how the inhabitants of Cœrulia—a pleasant hill station, presumably the Nilgiris or Blue Mountains—exist. The heroine Camilla is the opposite of Maud of the *Chronicles of Dustypore* and Mr. Chichele, who guided the fortunes of the place,

is intended for the late Sir M. E. Grant Duff, Governor of Madras in the 'eighties. In 1877 appeared in three volumes *The City of Sunshine* by Alexander Allardyce. The scene is laid in the village of Dhupnagar and questions like caste, education, justice, betrothal of infants and money-lending are discussed. One cannot help being fascinated with the picture of the young Hindu student who rebelled against the superstitious faith of his fathers but was drawn back into it by the cords of love and interest. Five years later was writen *Mr. Isaacs : a Tale of Modern India*, the first work of F. Marion Crawford, who was formerly editor of the *Indian Herald* of Allahabad. He visited the famous jewellery store at Simla of Mr. A. M. Jacob, a wealthy Hebrew gentleman whom he has immortalized under the name of Isaacs. To residents outside Simla Mr. Jacob is best known by the famous Hyderabad Diamond case in which he figured so prominently. He was charged at Calcutta by the Nizam of Hyderabad with criminally misappropriating twenty-three lakhs of rupees deposited by His Highness as earnest money for the purchase of the gem known as the "imperial diamond" and was acquitted on 22nd December 1891 after a prolonged trial. *Diana Barrington : a Romance of Central India* was written in 1888 by Mrs. B. M. Croker, wife of Lieutenant-Colonel John Croker, late Royal Scots and Royal Munster Fusiliers. Being an Irishwoman she also wrote some Irish novels, but this is one of the best stories of Anglo-Indian life published since the *Chronicles of Dustypore*. The narrative is picturesque and full of vivid touches and there is an infectious gaiety about it that makes it immensely refreshing. Mrs Croker's sympathy for Indians is shewn by the testimony she bears to their

courtesy, chivalry and charity, in describing the social events of a gay military station. In *A Family Likeness* published in three volumes in 1892, the same writer gives a sketch of life as it is lived in the Himalayas and her heroine Juliet Carwithen is presented as a pleasant and attractive young person. The most interesting and original character in her next work *Mr. Jervis* (3 vols., 1894) is a beautiful Englishwoman who had purchased her life too dearly in the Indian Mutiny and was passing herself off as a Persian in a retired spot away from Europeans among some hills. She had, however, but little to do with the unravelment of the plot. In *Catspaw* (1902) we have a picture of a third-rate boarding-house in Madras and the doings in the palace of an ancient Rani, a plotter against the Government and the Political Resident and all new-fangled ideas, while in *Her Own People* (1903) Mrs. Croker gives a striking description of the domiciled community. *The Old Cantonment* (1905) is a collection of entertaining short tales which are rather scrappy and journalistic. The writer is, however, at her best in her latest Anglo-Indian story *The Company's Servant* (1907.) It is a bright little book giving an admirable sketch of life lived in India by English people. The hero, a nephew of an Earl, serves in India as a Railway Guard and is prominent for his probity and horsemanship. By far the most interesting character is another aristocrat in disguise who serves as a night watchman in the garb of an Indian and, in spite of his slavery to the *ganja* habit, is quite keen and picturesque. The next novel of importance is *Helen Trevelyan* (3 vols., 1892) by Sir H. M. Durand who wrote under the pen-name of John Roy. The description of the hero Guy Langley is very happy

and lifelike, and the opinions, passed on the various poets forming his library, by his friend Dale are really amusing. The author's description of the Afghan campaign in the second volume is remarkably good. The part which women have played in the recent fictional literature of India is remarkable, and perhaps the greatest name among lady novelists is that of Mrs. Flora Anne Steel. The secret of her success lies in the fact of her possessing the rare gift of identifying herself with her characters, of mourning with them and of rejoicing with them. Her first Anglo-Indian novel of any importance is *Miss Stuart's Legacy* (1893) while *The Potter's Thumb* (1894) is a really powerful tale of native and English life. Mrs. Boynton is a very clever study and the story of George Keene, who does himself to death in a lonely up-country station and is buried secretly by Dan Fitzgerald who cables to his mother the merciful falsehood "Cholera," is truly pathetic. In *The Voices of Night* (1900)—a love-tale of Anglo-Indian life—she gives a description of the lot of ex-royalties, while an interesting personality is the Lieutenant-Governor's son who rouses the reader's affection. *The Guardianship of God* (1903) contains seventeen stories describing Indian, especially Hindu, manners and characteristics. In 'Surabhi,' the authoress, shows how deep is the love of an old Brahmin for his cow, while in 'Fire and Ice' she touches upon certain social evils in India. In *From the five Rivers, Tales of the Punjaub, The Flower of Forgiveness* and *In the Permanent Way* she has produced some miscellaneous stories and sketches of the Punjab. We next come to Mrs. Everard Cotes *née* Sara Jeannette Duncan, who is well known by her endeavours to interpret the American girl to the world of fiction readers.

Her earliest effort, *The Simple Adventures of a Memsahib* (1893), displayed much lightness of touch. But her Anglo-Indian reputation rests on *His Honor and a Lady* (1896) which recounts the story of two Lieutenant-Governors, one of whom falls a martyr to his stubborn honesty, while the other won signal success through his hypocrisy. There is much cleverness displayed in the description of Indian scenes and surroundings. *The Path of a Star* (1899), though abounding in light sarcasm, contains graver treatment of life. A group of Calcutta characters, including a young Salvationist, a brilliant actress, a society lady and two Oxford friends, get into a tangle from which the authoress rescues them. *The Pool in the Desert* (1903) contains four lively stories, the best being "A Mother in India." R. W. Frazer, author of a *Literary History of India*, wrote in 1895 a collection of tales entitled *Silent Gods and Sun-steeped Lands*. The only novel written by Sir William Hunter is the *Old Missionary* (1896). The hero of this pathetic story is believed to be the Rev. James Williamson of the Baptist Missionary Society who laboured for half a century at Suri, Birbhum, and passed away over forty years ago. He is buried at Serampore just outside the Carey enclosure. Mr. F. H. Skrine, the biographer of Sir William Hunter, calls this an "immortal" work. In 1897 appeared a *Princess of Islam* from the pen of Mr. J. W. Sherer, C.S.I. It is a touching tale describing life in a Native State and recounts the story of a Mahomedan princess who was married to a young Englishman, a member of the Uncovenanted Service, in India. For reasons of State the Englishman is made to believe that she died during his absence in England and he married again. The princess then had an opportunity of showing her true nobility of character.

We next come to the novels of Mrs. Frank Penny. Her *Romance of a Nautch Girl* (1898) gives sketches of Anglo-Indian life in the Deccan and one or two touches here and there show the writer's sympathy for the natives and persons of mixed blood. In her *Forest Officer* (1900) Mrs. Penny gives an admirable sketch of the trials and perils, the romance, magic and mystery of sylvan India, and evinces a keen observation and knowledge of native character. Her *Caste and Creed* (1902) is a highly meritorious novel in which the conflicting influences, to which the child of an English father and a native mother is exposed, are depicted in vivid colours yet without exaggeration. Zelma Anderson is a very attractive Eurasian heroine. The most interesting thing in the book is the description of the procession of an idol and the worship of Vishnu. Rutnam, the devotee, is an attractive character. In her *A Mixed Marriage* (1902) she shows her intimate knowledge of India and her people, while the *Sanyasi* (1904) is a humorous and well told story steeped in the colour and atmosphere of the East. *Dilys* (1905) shows the writer's extraordinary insight into the irreconcilable differences between the rulers and the ruled in the Indian Empire and her sympathetic and humorous conception of the native character. The heroine Dilys has the fun and mischief of a child with the fascination of the most womanly of women, and the picture of the Lumbardee gypsies, by whom she was brought up, is drawn with admirable skill. Her *Waters of Destruction* gives a very realistic picture of life up-country far from the beaten track where years are often passed by Englishmen cut off from all intercourse with their fellow-countrymen, while the *Tea Planter* (1906) deals with life in Ceylon. *The Stronger*

Claim by Mrs. Alice Perrin is based on the contending claims of country and the influences of East and West on human character. She is a daughter of the late General John Innes Robinson, Bengal Cavalry, and sister of Sir Ernest Robinson, fifth Baronet. She married Charles Perrin, M.I.C.E., who was then employed in the Public Works Department of the Government of India and who now holds an appointment under the Local Government Board, England. Pictures of native life and the sense of the Eurasian position in the East—between as it were two fires—are vividly presented in the book. The case of the Eurasian woman was rendered with extraordinary pathos in a novel entitled *Poor Elisabeth*. Mrs. Perrin gives us the Eurasian man and convicts him of irresolution at a time when decisive action is of great importance. She shows the gulf between the matter-of-fact British temperament and the mystery-loving Indians and the inexorable repulsion of white by black. That Mrs. Perrin has sympathy both for India and the Indians is shown also in her *A Free Solitude*. She holds that if India were left to herself for a hundred years or less, there would not be a trace of Western influence or progress remaining in the country. Again, she speaks through Katharine Rolland—"Surely we are not so immeasurably superior as a race that we should feel demeaned by shaking hands with the people of India." She is of opinion that the sex question is the real cause of the gulf between Eastern and Western ideas, and, if so, it is a gulf that it will take centuries to bridge over. Her *Red Records* (1906) is a collection of some gruesome tales. The stories lose much of their horror on account of the idea of Fate as the relentless power holding men in its grip, which pervades the book. Some of the stories,

especially those relating directly to the natives of India, are of a high standard. General Fendall-Currie's *The Land of Regrets* (1903) gives us an insight into the government of the country, the ways and traditions of the natives and the lives of the Anglo-Indians in every department. Nina Stevens, only daughter of Sir C. C. Stevens, late Lieutenant-Governor of Bengal, touches on the Eurasian question in her *Perils of Sympathy*. She became Mrs. Fredrick Griffiths and died in England on the 16th January, 1908. The latest work of Sydney C. Grier, who has been writing at least one novel every year since 1894, is the *Power of the Keys* (1907) which describes a hypothetical invasion of India. The most interesting personalities are a retired civilian who raises a body of horse, a nursing sister and a police scout with a strain of Indian blood. Interspersed with perilous adventures and graphic descriptions of fighting there are two love stories and a dash of pathos is afforded by the cruel death of the warrior hero. In the *Two Women and a Maharaja* (1907) Mrs. C. E. Phillimore deals with Anglo-Indian, especially Eurasian, life. She shows how well stocked her mind is with first-hand knowledge. Constance Maharani is a representation of Florence Maharani of Patiala, who died on 11th January, 1896. In *the Broken Road* (1907) Mr. A. E. W. Mason, M. P., describes the lives of the higher Anglo-Indian officials and tries to prove the folly and cruelty of educating young Indian princes to be hybrid Englishmen. The author aims at teaching that East is East and West is West and that it is a mistake to mix the two even educationally. One of the latest Anglo-Indian novels is *India's Saint and the Viceroy* (1908) from the pen of Mr. S. S. Thorburn, already referred to. It is an interesting work full of satire and idealism. The hero

Cosmo Sorel, is a millionaire who reforms the government of an important vassal state in India and ends a little war by the exercise of the charms of an angelic personality. On one occasion he produces the effect of a miracle by bidding an hysterical Pathan woman to arise and "thank Allah." Satire appears in the sketch of the self-satisfied Viceroy and the selection of "Topsham" as a surname for the Prime Minister whom he alternately praises and despises. It was inartistic, says the *Athenæum*, to make Sorel suddenly turn into the real Lord Eskmore and not flattering to a "Saint" to make his renunciation of a title a theme of his delirium. While this article was in proof a new Anglo-Indian novel by Maud Diver entitled *The Great Amulet* (Blackwood) has made its appearance.

No study of Anglo-Indian fiction would be complete without mention of the name of Rudyard Kipling. His works are so many and various that they require separate notice. Suffice it to add that he was more truly Anglo-Indian than any other writer before him. He always regarded India as his home and took it for the natural sphere of his life's work. He was the father of short stories and in them as a collection are depicted with wonderful vividness almost all the details of Anglo-Indian life. A genuine sympathy for all things Indian pervades his works both in prose and verse. Kipling's very many admirers may find a just appreciation of his works in Mr. E. F. Oaten's recently published book on Anglo-Indian Literature.

KIRAN NATH DHAR, B.A.

Art. VI.—EARLY REVENUE AUTHORITIES OF BENGAL.

THE evolution of the present system of collecting revenues out of that introduced, or rather sanctioned, by Lord Clive in 1765, forms an important chapter in the history of British India. It is by a gradual process that the old Select Committee has developed into the Board of Revenue as the revenue-collecting agency. Though the English became the virtual masters of Bengal in 1757, they had no legal status until 1765, when the dewani of Bengal, Behar and Orissa was granted to the founder of the British Empire in the east by the puppet emperor who was sitting crest-fallen on the tottering throne of Delhi. The grant of the dewani was an event of a more far-reaching character than even the Battle of Plassey, or the grant of a perwana to Mr. Ralph Cartwright in 1633 for free trade in Orissa, or that of a charter to the East India Company in 1640, permitting the Company to trade in Bengal. The dewani revolutionised the administrative system in Bengal and tended at once to change the history of India. It facilitated the progress of English conquest and settlement, transformed the trader into the sovereign of the country, and legally established the British Government in Bengal. The *de facto* masters of the country rose to be its *de jure* rulers, and the duty of collecting revenues, along with other duties, naturally devolved on the Hon'ble the East India Company.

The first Select Committee consisted of the Hon'ble Roger Drake, President, Charles Manningham and Richard Becher. It was joined, on the 29th May, 1758, by Robert Clive and William Watts on their return from

an expedition to Patna. John Drake presided over the Committee for the last time on the 28th June, and at its meeting of the 4th July following, his place was taken by Clive, while William Mcguire was appointed Secretary. On the 13th, Colonel Ford and Richard Becher were sworn in, and they thenceforth began to sit on the Committee. In 1760, Clive was succeeded by Henry Vansittart as Governor of Bengal. The administration of the provinces and districts into which Bengal was divided was at that time in the hands of various chiefs and residents at Patna and Murshidabad. For instance, a letter signed by Vansittart and the Council was despatched on the 1st December, 1760, to Harry Verelst, Randolph Marriott and Thomas Rumbold, directing them to proceed to Chittagong to take up the management of the affairs of the Company. These gentlemen arrived in the Chittagong province in January next, as it appears from their letter to the Council, dated Seeta Coon, 3rd July, 1761. The control of the zemindari lands of Calcutta and the 24-parganas conferred on the Company by Mir Jaffar by a treaty dated 4th June, 1757, as well as that of the districts of Burdwan, Midnapur and Chittagong ceded by Mir Kasim by the treaty of the 27th September, 1760, as the price of his Nawabship, was vested in the covenanted servants of the Company who superintended the revenue administration under the direction of the Select Committee. With the revenues of the other districts, the Company had at that period no concern but it would appear from a letter from Mir Kasim to the Governor, dated 26th March, 1762, that the Chiefs were not content with minding only their legitimate business. Wrote Mir Kasim: "From the factory of Calcutta to Cossim Bazar, Patna and Dacca, all the English Chiefs, with

heir gomastahs, officers, and agents, in every district of the government, act as Collectors, Renters, Zemindars and Talookdars, and setting up the Company's colours, allow no power to my officers." Under the system here were rack-renting, oppression and injustice on all sides.

Lord Clive was appointed in 1764 for the second time President and Governor in Bengal with a Select Committee of four gentlemen who were empowered to act upon their own authority, independently of the existing Council. The Council endeavoured to resist their authority, but Clive beat down all opposition. After the expulsion of Nawab Mir Kasim and the decisive battle of Buxar, the dewani authority over the provinces of Bengal, Behar and Orissa* was conferred in perpetuity on the East India Company by a firman or royal grant on the 12th August, 1765. The Nawab of Bengal, Najim-ul-Dowlah, had already, as the condition of his succeeding to the musnud on the decease of his father, Mir Jaffar, agreed to entrust the administration of the subahdary to the management of a naib or deputy appointed by the advice of the Governor in Council. By a further agreement, dated 30th September, 1765, the Nawab recognised the grant of the dewani to the Company, and assented to accept a fixed stipend for the maintenance of his family and himself. Whatever further expense, within certain limits, might be found necessary for the support of the dignity of the nizamat, was to be disbursed through the deputy chosen by the English Government. In 1766, the first meeting of the Select Committee was held by the Right Hon'ble

* The Orissa of the eighteenth century included only the district of Midnapur and a part of Hooghly, or more accurately, the tract of country lying between the rivers Subarnarekha and Rupnarain. Orissa Proper was conquered and annexed from the Mahrattas by Lord Wellesley in 1803.

Lord Clive, President, William Sumner, Esq., and Brigadier-General Carnac, and at the next meeting, on the 20th January, Harry Verelst and Francis Sykes also sat. Lord Clive took his place as Dewan, or Collector of Revenue, for the Moghul, and in concert with the Nawab who sat as Nazim, opened the *poonneeah* or ceremonial of commencing the annual collections in a darbar held at Motijhil, near Murshidabad. From this time, the functions of the Nazim, as well as of dewan, were ostensibly exercised by the British Government, the latter, in virtue of the grant from Emperor Shah Alum, and the former, through the influence possessed over the naib or deputy; the Nawab Nazim himself having submitted to become virtually a pensioner of the State.

But though the civil and military power of the country and the resources for maintaining it were assumed by the East India Company, it was not thought prudent either by the local Government or the Directors to vest the immediate management of the revenue or the administration of justice in the European servants who possessed neither sufficient knowledge nor experience of the civil institutions or the interior state of the country to qualify them for the trust. Motives of policy, therefore, impelled Clive to leave the actual administration in the hands of the old Indian functionaries to be carried on in the name of the Subahdar. "The first point in politics which I offer to your consideration," wrote Clive to the Select Committee in 1767, "is the form of government. We are sensible that since the acquisition of the dewannee, the power formerly belonging to the Subah of these provinces is totally, in fact, vested in the East India Company. Nothing remains to him but the name and

shadow of authority. This name, however, this shadow, it is indispensably necessary that we should venerate. Under the sanction of a Subah, every encroachment that may be attempted by foreign powers can effectually be crushed, without any apparent interposition of our own authority, and all real grievances complained of by them can, through the same channel, be examined into and redressed. Be it, therefore, always remembered that there is a Subah, and that though the revenues belong to the Company, the territorial jurisdiction must still rest in the chiefs of the country, acting under him, and thus presiding in conjunction. To appoint the Company's servants to the offices of collectors, or, indeed, to do any act by any exertion of the English power, which can equally be done by the nabob at our instance, would be throwing off the mask, would be declaring the Company Subah of the province. Foreign nations would immediately take umbrage, and complaints preferred to the British Court might be attended with very embarrassing consequences."

The result of the dual system was disastrous. It was found that in every respect but the promotion of their own interests, the Indian officers were utterly inefficient. Indians and Europeans alike took advantage of it. There was no responsibility, no control. The strong preyed upon the weak, and the weak had none to look up to for protection. As Gleig remarks: "There was no such thing as justice, or law, or adequate protection to person or property anywhere in Bengal, Behar and Orissa, except at Calcutta. The ancient courts had lost their influence, and the native magistrates were destitute of authority. In the collection and management of the revenue, likewise, the single

rule appears to have been to exact as much as possible from the occupants of the soil, without paying the slightest regard to their capabilities. . . . Zemindars, rajas and other agents made their own terms, both with the ryots and the duan, of which the results were, that on all occasions the Company sustained a loss, no one being able so much as to point out the particular account in which errors might have crept."

With a view to check misgovernment without departing from the policy initiated by Lord Clive, the Select Committee agreed unanimously on the 16th August, 1769, "that in every province or district, a gentleman in the service be appointed, with or without assistance, in proportion to the extent of the district, whose office or department is to be subordinate to the resident of the Durbar, and managed as is expressly set forth and defined in the following letter of instructions," etc. These instructions were most elaborate. Kaye sarcastically observes: "It is hard to say what they (Supervisors) were not expected to do." They were appointed to superintend the Indian officers employed in collecting the revenue and administering justice in the different parts of the country, and instructions were issued to them to obtain a summary history of the provinces; the state, produce and capacity of the lands; the amount of the revenues; the cesses or arbitrary taxes; and all demands whatsoever which were made on the cultivators; the manner of collecting them; and the gradual rise of every new impost; the regulations of commerce and the administration of justice. Some of the supervisors were: Thomas Kelsall,* Dacca; William

* During his short stay in Calcutta, I. G. Haliburton acted for him. Kelsall was Supervisor up to March, 1771. He was succeeded by James Harris who was in the post up to April, 1772. Nicholas Gunbar (Collector) was Supervisor up to February, 1773.

Lushington, Hooghly; Alexander Higginson, Birbhum; Walter Wilkins, Tippera; G. G. Ducarel, Purnea; M. Cottrell, Dinajpur; Robert Wilmot,* Jessore; Jacob Rider, Nadia; William Harwood, Rajmahal and Boglapur; C. W. Boughton Roos,† Rajshaye and Natore; John Grose, Rangpur. In the same year, in accordance with the Company's general letter, dated 30th June, Mohamed Reza Cawn, who was styled as Nawab, was appointed Naib Dewan at Murshidabad, and Raja Shitab Roy was appointed in a similar capacity at Patna. They regularly attended the meetings and were practically the head of the revenue administration of Bengal. At this period Richard Becher‡ was the Resident at the Murshidabad Durbar and exercised a good deal of authority over the Supervisors, referring only occasionally to the authorities in Calcutta.

At the commencement of 1770, the Select Committee consisted of the following ordinary members: The Hon'ble John Cartier, President; Richard Becher, Sir Robert Barker, James Alexander and Samuel Middleton. The Committee was the Supreme Revenue authority but not an exclusively revenue body. It corresponded in regard to revenue matters with the new Supervisors through the chiefs and residents, while, as far as Bengal proper was concerned, the Resident at the Murshidabad Durbar was the channel of communication. The arrangement was modified under the orders contained in the letter of the Hon'ble the Court of Directors, dated 23rd March, 1770, whereby a Comptrolling Committee of Revenue was to be appointed, consisting of four members, to whom the

* Robert Wilmot died in 1770, and was succeeded by Shakespear.

† He arrived at Natore on the 30th December, 1769.

‡ His daughter, Miss Becher, became the mother of the great Thackeray.

entire management of revenue affairs in Bengal was to be entrusted. This Committee met for the first time on the 1st April, 1771, and its members were: The Hon'ble John Cartier, President; Thomas Kelsall, Charles Floyer, John Reed and Francis Hare. W. Wynne, who was Secretary to the Council, was also Secretary to the Committee. Another change was shortly effected. By the letters of the President and Council of Fort William, dated 13th July and 11th October, 1770, respectively, Comptrolling Councils of Revenue at Murshidabad and Patna were constituted as intermediate revenue authorities. The Murshidabad Council consisted of Richard Becher (Chief), John Reed, Jas. Laurell and John Graham. As Mr. Becher was ill at Balasore when the orders arrived, the Council met for the first time under the presidency of Mr. Reed on the 27th September. Mr. Becher arrived at Murshidabad on the 12th November next and presided for the first time at the Council of the 15th November, 1770, and continued to do so until the 24th December of that year when he retired from the post. The Council corresponded with the Supervisors. The Patna Council took up its duties on the 5th November, 1770, and at first consisted of James Alexander (Chief), George Vansittart and Robert Palk. The Council corresponded with the following Supervisors in 1770-71 :—Edward Golding, Saran and Champaran; Charles Lloyd, Shahabad; James English Keighly, Tirhoot; Harry Palmer, Rotus; and Nathaniel Bateman, Monghyr. The Council corresponded also with Captain Carnac in charge of affairs at Palamau. While the Patna and Murshidabad Councils corresponded with the Supervisors and had control over them, the Committee of Revenue corresponded with the Councils

as well as the Collectors of the Company's lands in the ceded districts and the Custom Master in the Presidency. Chittagong and Tippera corresponded direct with the supreme authorities through their Chiefs. Mr. Reid was at this time the Chief of Chittagong, and Mr. Claud Russell, the Collector-General. The Comptrolling Committee of Revenue replaced the Select Committee as the chief revenue authority. Its proceedings on the complaint of the Ranee Dowager of Burdwan against her Dewan Bridzoe Kishore Roy are preserved.

The appointment of Supervisors and the other changes in the system, however, brought about no improvement, the revenues continued to decline, and there was hardly any check on misgovernment. It is on record that "the Supervisors only made confusion worse confounded and corruption more corrupt." They were wholly inadequate to the requirements of the situation. The information communicated to the Directors in consequence of the enquiries made by the Supervisors represents the internal Government in a state of disorder and the people suffering great oppression. These evils were imputed to the nature of the double Government established by Clive, which was described as follows: "It had introduced an incredible amount of disorder and corruption into the State, and of poverty and wretchedness among the people; it had embarrassed our finances, and soiled our character." The fifth Report on the affairs of the East India Company says: "The whole system resolved itself, on the part of the public officers, into habitual extortion and injustice, which produced, on the part of the cultivator, the natural consequences, concealment and evasion, by which Government was defrayed of a considerable part of its just demands." Under the administration

of Verelst and his temporary successor, Cartier, that is, from 1767, when Clive retired from India, to 1772, when Warren Hastings was appointed Governor, no progress was, in short, achieved, and the management of the affairs of the country continued as defective as ever. The appointment of Hastings to fill the President's chair at Calcutta was the first decisive step taken by the East India Company to introduce a new and efficient system of general administration.

Warren Hastings appears never to have been an admirer of the dual government, and in one of his despatches, he wrote to the Directors: "You must establish your own power, or you must hold it dependant on a superior which I deem to be impossible." Holwell had written before this, protesting against "ringing changes on Soubahs": "Let us boldly dare to the Soubahs ourselves. We have nibbled at these provinces for eight years, and notwithstanding an immense acquisition of territory and revenue—what benefit has resulted from our successes to the Company? Shall we go on nibbling and nibbling at the bait, until the trap falls and crushes us?" Hastings took his seat as President of the Council on the 28th April, 1772, and the first task imposed on him was to inform the Board that in consequence of orders received from the Secret Committee "he has sent instructions to Mr. Middleton to arrest the persons of Mahomed Reza Cawn and Raja Amrit Singh, his dewan, and to send them under a guard to Calcutta; that he has received advice from Mr. Middleton, that the same has accordingly been put in execution." A discussion then ensued as to the manner in which Reza Cawn should be received on his arrival at Calcutta, and it was resolved by the majority of the Board "that one of the members be sent to

intimate to him the cause of his seizure, and to inform his Excellency of the points on which the Hon'ble Company express their displeasure, and that they look to us to obtain satisfaction from him for the injuries which they conceive their affairs to have sustained by his mismanagement and corrupt administration." Hastings protested against this decision of the majority on the ground "that any public show of respect to Mahomed Reza Cawn in his present circumstances will be inconsistent with the restraint which has been imposed upon him, and may counteract the end intended by it in creating an opinion in the minds of the public that his power is but suspended, and thereby discouraging those who may have complaints to prefer against him by the fear of their falling hereafter under the effects of his resentment. He also thinks it very unbecoming the character and dignity of a member of this administration to be employed on a public deputation to a man who stands accused by the Court of Directors themselves of the most criminal conduct."

On the 11th May, 1772, a proclamation was issued, setting forth that the Hon'ble the Court of Directors had been pleased to divest the Nawab Reza Khan of his station of Naib Dewan, and had determined "to stand forth as Dewan and by the agency of the Company's servants, to take upon themselves the entire care and management of the revenues." Three days afterwards, certain regulations for the settlement and collection of revenue were passed. One of the regulations was that "As the Company have determined to stand forth as Dewan, the servants employed in the management of the collections shall be henceforth styled collectors instead of the present appellation of supervisors." The offices of Naib Dewan were also abolished,

although the Dewans were, after a protracted trial, acquitted of the charges of embezzlement against them. Thus was thrown off the "mask" which Clive was insistent on retaining so as not to arouse suspicion and ill-feeling. The conquest was peaceful, and on the 16th April, 1773, the Secret Committee of the Court of Directors, approving of Hastings' measures, remarked in their despatch: "If the abolition of the office of Naib Dewan, and stepping forth as principals, should in any degree alarm your European neighbours, we rely on your prudence for removing every improper jealousy that may be entertained on this account." The new Collectors were joined by an Indian officer chosen by the Board and styled as Dewan, in the superintendence of revenue.

It was next decided to appoint a Committee of four members, of which Hastings was to be the President, "to make a settlement in certain districts of the Bengal Soubahdarry." "On the 3rd June (1772)," writes Hastings in his letter to the Hon'ble Josias Dupre, dated 8th October of that year, "I set out with the Committee. We made the first visit to Kissengurh, the capital of Nuddeah, and formed the settlement of the district, farming it for five years. We proceeded next to the City, where we arrived the last of the month: here a variety of occupations detained me till the 15th of the last month; two months and a half. This period was employed in settling the collections, and the government of the districts dependant on Murshidabad, which were large, very numerous, and intricate; in reducing the Nawab's stipend from 32 lakhs to 16; and in farming a new system for conducting the business of the Dewanee or revenue." The Committee of Circuit first sat at Krishnagar on the 10th

June, and consisted of the Hon'ble Warren Hastings, President, Philip Milner Dacres, James Laurell, and John Graham. Samuel Middleton, who was one of the members, could not attend, as he was busy in the city of Murshidabad, getting together the necessary papers for the settlement of the Huzoor Zillahs. The proceedings at Krishnagar concluded on the 28th June, the district of Nadia was duly settled, and the Committee then went on to Cossimbazar, where their deliberations were most important and the measures resolved on very far reaching. They apparently reached Cossimbazar early in July where they were joined by Middelton, who sat with the Committee for the first time on the 7th of that month. The first matter before the Committee was the question of the appointment of Raja Gurudas, son of Nundkumar, as Dewan of the Nawab, and the question of reduction of the Nawab's allowances. "A plan for the establishment of Courts of Justice" and a minute on the future revenue administration of the Province were produced in August. At its meeting of 20th August, the Committee of Circuit at Cossimbazar made two important recommendations, namely, the formation of a Board of Revenue consisting of the whole Council, and the removal of the Khalsa or Exchequer and Treasury from Murshidabad to Calcutta. Both the recommendations were accepted. The last meeting of the Committee at Cossimbazar was held on the 17th September, 1772, in which month the Comptrolling Council of Murshidabad sat for the last time. Warren Hastings left the Committee on the 25th September to proceed to Calcutta. Samuel Middleton remained on behind to take up his new duties as Resident at the Durbar, Collector of Rajshaye, and Chief of Cossimbazar, and the circuit was continued by

Messrs. Dacres, Laurell, and Graham. The deliberations of the Committee were far more important than the proceedings of the Council of the same period. The Committee of Circuit having completed their operations at Cossimbazar, proceeded to Dacca, where they arrived on the 1st October, and held their first meeting there two days afterwards. They settled the lands of the Collectorships of Dacca and Tippera, and held their last meeting at Dacca on the 27th November, when they proceeded to Rangpur, where they concluded their labours on the 30th December. From Rangpur they went to Dinajpur, and arriving there on the 1st January, 1773, met for the first time on the following day. They completed their investigations and held their last meeting at Dinajpur on the 26th January, 1773, and proceeded to Purnea. They first met here on the 2nd February, and concluded the settlement of the district, holding their last meeting on the 9th. Thence they went to Rajmahal, and after settling Rajmahal and Boglepur (Bhagulpur), concluded their tour on the 18th February, and started for Calcutta *viâ* Murshidabad. The three members of the Committee of Circuit first took their seats on the Revenue Board on the 12th March, 1773.

The new Board of Revenue consisted, besides the whole Council, of an Accountant-General with assistants. It first met on the 13th October, 1772, under the presidency of Warren Hastings, superseding the Comptrolling Council of Revenue of Murshidabad and the Comptrolling Committee of Revenue, as the Chief Revenue authority. As regards the Khalsa, it was suggested that it should consist of a member of Council sitting in rotation, with the title of Superintendent of the Khalsa, and an Indian officer with the title

of Roy Royan. The duties of this body were set forth in a Resolution which was duly accepted by the members in Calcutta. Raja Rajbullab, son of Raja Dulubhram, was appointed Roy Royan. On the 23rd October, the Khalsa office was opened and was composed of Thomas Lane, Superintendent, and the Roy Royan. The original arrangement was that the members were to sit for a month each in rotation, but this was found inconvenient, and as a matter of fact, the members held office a much longer time. Indian officers were appointed to the Exchequer in number and quality suitable to the voluminous and important business appertaining to it, which consisted of accounts and correspondence, both in abstract and detail, of every transaction of importance relating to the settlement and collection of the revenue in each district, agreeably to the principles established and forms observed by the Mahomedan Government. The regulations framed for the guidance of the officers employed in the Revenue and Judicial Departments which were printed and promulgated in the same year, 1772, in the languages of the country, "manifest a diligence of research and desire to improve the conditions of the inhabitants by abolishing many grievous imposts and prohibiting many injurious practices which had prevailed under the Mahomedan Government." Settlements under the farming system were, also, made with the zemindars for five years, in accordance with general instructions from the Directors, which required that the Government "should not, by any sudden change, alter the constitution or deprive the zemindars, etc., of their ancient privileges and immunities."

The European Collectors were, however, inexperienced in business, and proved themselves unfit

for the duties entrusted to them. Defalcations in realising the revenue under the quinquennial settlement occurred to a considerable extent. As early as 6th January, 1773, Hastings wrote to Josias Dupre: "Do not laugh at the formality with which we have made a law to change their name from Supervisors to Collectors. You know full well how much the world's opinion is governed by names. They were originally what the word supervisor imports, simple *lookers-on*, without trust or authority. They became *collectors*, and ceased to be *lookers-on*, but though this change had taken place two years before I arrived, yet I found, to my astonishment, that they were known to the Court of Directors only in their original character. It was necessary to undeceive the Company; and to that end we have called these officers by a title which will convey the true idea of the nature of their office. It was once intended to withdraw the Collectors entirely. They monopolise the trade of the country, and of course prevent the return of specie by trade, since they trade with the amount of their perquisites. These perquisites I believe to be an oppression on the people and an obstruction of the revenue. They are most of them the agents of their own banyans, and they are devils. And as the collectorships are more lucrative than any post in the service (the Government itself not excepted, whatever it may prove hereafter), we cannot get a man of abilities to conduct the official business of the presidency without violence; for who would rest satisfied with a handsome salary of three or four thousand rupees a year to maintain him in Calcutta, who could earn a lac or three lacs, which I believe have been acquired in that space, and live at no expense, in the districts? But whatever motives we had for recalling these officers,

it appeared that there were amongst them so many sons, cousins, or *élèves* of Directors, and intimates of the members of the Council, that it was better to let them remain than provoke an army of opponents against every act of administration, by depriving them of their emoluments. They continue, but their power is retrenched; and the way is paved for their gradual removal; and the Court of Directors have sufficient arguments furnished them to order their recall immediately."

On the 7th April, 1773, previously to the arrival of Hastings' detail of the arrangements which he had made for the future management of the revenues, the Court of Directors had caused a long and elaborate despatch to be written, requiring, in peremptory terms, their proposals to be carried into effect. It was accordingly decided in the meeting of the Board of Revenue of the 23rd November, 1773, to recall the European Collectors and replace them by Indian amils each of whom was to superintend a district corresponding in point of extent to that over which, as a collectorship, the European had recently presided. An exception was made in regard to districts which were absolutely in the hands of a particular zemindar or renter. Over such no amil was placed. The same meeting further decided to establish—

(1) A Committee of Revenue at the Presidency consisting of two members of Council and three senior servants below Council for conducting the current business of the collections of the metropolitan districts, with the Roy Royan as Dewan. The Committee met on the 6th December, 1773. Its business was to superintend and control the general revenue affairs of the country, subject only to the Superior Council. The Committee had it in charge to order, from time to time, visits of

inspection to such districts as might seem to require a local investigation; and to appoint to this duty not the senior servants of the Company but such as, by the knowledge of Persian and Hindustani languages, and the other qualifications of temper and talent, should appear best fitted to execute the trust. All complaints of the ryots or others against the dewans or amils, farmers, zemindars, and public officers, were to be finally received and decided upon by the Committee. Its jurisdiction was defined to extend to "The Calcutta parganas, Hooghly, Idgelee, Mysadal, Tumlook, Naddea, Jessore, Mahomedshahy, with the talooks of Cantoonagur and all lands belonging to persons of credit whose constant residence is in Calcutta."

(2) Provincial Councils of Revenue, consisting of a chief and four senior servants with an Indian Dewan, at Burdwan, Murshidabad, Dinajpur, and Dacca. The Murshidabad Provincial Council was to deal with the following districts: "Radshahy, East and West divisions, Ruckanpore, Chunacolly, Luskerpore, Ichanguirpur, Khas Talooks, Rajemahall, and Boglipore, including the annexations lately made to the latter from Monghyr, Casickpore, Jungletery, and districts under the management of Captain Brooke." The Burdwan Provincial Council was to deal with "Burdwan, Midnapore, Bissenpore, Putchaet, Beerbhoom, Ramgarh, and the districts under the management of Captain Camac." The Dinajpur Council was to deal with "Dinajpur, Silberris, Purnea, Rangpore, Edraickpore, Baharbund, Cooch Behar, Rangamaty." And the Dacca Council was to deal with "Dacca, Sylhet, Attya, Cogmary, Burbagoo." Each of the Councils was to consist of a chief, four members, being senior servants, a Persian translator, an accountant, and three assistants. The

Councils were directed to institute minute enquiry into the condition of every talook, or other smaller portions of land, within the limits of their respective jurisdictions, so as to settle the proper localities and funds, to ascertain the amil's profits on the same, and to furnish the superior Council with such information as might enable them to adjust and arrange a complete system for the better management of the collections. It is worthy of remark, however, that the Provincial Councils were meant for temporary purposes, because the Court's letter directed that, so soon as the accounts and arrangements at any of the divisions should be in a state to warrant the step, the control of that division should be brought down to the Presidency.

Hastings was opposed to Provincial Councils as a permanent institution, because, writes Gleig, he feared each division would as a result be liable to become a separate tyranny of the most absolute kind, because from its decrees there would be no appeal but to the Council of Calcutta who (the President excepted) would be parties in every cause against the appellants, and because the people would lie too much at the mercy of their rulers to dare to lift up their voice against them. The trade would be monopolised or laid under contribution, the revenues would suffer by the taxes levied for private profit on the zemindars and farmers, which the ryots would be compelled to pay, and thereby become less able to pay the due rents of Government, laws would be projected for partial and insidious purposes, and every division would wear a different form of government according to the different interests and capacities of those who presided over them. Further, while the Collectors were tyrants, the members of the Board as Collectors

would be uncontrollable, as their judges in all complaints against them would be composed of their equals, and expectants of the same privileges. "So that, their system would be liable not only to the worst species of despotism in the inferior members of the Government, but to cause also a total anarchy at the head."

(3) The Province of Behar was to remain under the Chief and Council at Patna.

(4) Chittagong and Tippera were to correspond direct with the Board and remain under the management of the Chief as before.

To prevent the abuse which might be made of the authority vested in the Chiefs, the members of the Superior Council from whom the Chiefs were selected were totally interdicted from trade, and the other members of the Provincial Councils in such articles of it as were most likely to prove oppressive or pernicious to the country. As an incentive to the Chiefs and other members of the Superior Council to check any licentious exercise of the influence enjoyed by the inferior members in their private concerns, as an indemnification for their own forbearance, and pledge for their faithful observance of it, it was proposed that they should be allowed each a monthly gratuity of Rs. 3,000, out of a fund raised for that purpose by the profits arising from the sale of opium.

During the period intervening between the dissolution of the Comptrolling Council of Revenue of Murshidabad and the constitution of the Provincial Council of Revenue at Murshidabad, the Resident at the Durbar was Samuel Middleton. He had charge of the collections of the district before controlled from Murshidabad and occupied a position that was practically that of a Commissioner, as all the Collectors of the districts

concerned corresponded through him with headquarters. Middleton corresponded with the Collectors of Chunacolly, Luskerpore, Dinagepur, and Jehanguirpore. The Resident continued to exercise these powers till December, 1773, and it was not till February, 1775, when Edward Baber, the then Resident at the Durbar, became Chief of the Provincial Council of Revenue, that the Resident became solely a Political Agent.

The zemindars of lands over which no amils were placed were made personally accountable to the Provincial Councils, within the limits of which their zemindaris lay. In like manner, the administration of civil justice which had been entrusted to the Collectors, was, with the management of the revenue, transferred to the amils from whom an appeal lay to the Provincial Councils, thence, under special instructions, to the Governor in Council acting as the Sudder Dewani Adalat. The Calcutta Committee of Revenue, as regards the particular districts placed under it, had the powers of the other Provincial Councils, and as regards the country at large, it had the powers of the original Khalsa in respect of the revenue matters of persons residing in Calcutta. The Committee took over the management of the affairs of Jessore in 1774. It sat in Calcutta till the 12th May, 1780, when it was removed to Hughli, where it sat till the end of its career in 1781. The reason for its removal is set forth in the Revenue Board's letter of the 20th April, 1780, namely, the interference of the Supreme Court and the ease with which legal advice could be obtained in Calcutta!

The constitution of the Calcutta Committee of Revenue would, it was thought, render the post of Superintendent of Khalsa unnecessary, and accordingly by the Resolution of the Revenue Board constituting

the Provincial Councils, the post was to be done away with, and the office of the Khalsa as a separate Revenue Authority to be abolished from the date on which the Provincial Councils should be fully constituted. It was, however, found inconvenient to entirely dispense with the Khalsa. The Provincial Councils did not all assemble until the beginning of June 1774, and during the period from November 1773 to June 1774, Mr. Laurell, who was Superintendent, continued to carry on certain of his duties. The want of some such officer was felt even after the Councils had assembled, and the Governor-General, Warren Hastings, proposed the creation of a new officer, to be called Superintendent of Khalsa Records, in a minute in which he described the duties of that officer. The proposal was accepted with slight modifications, and Mr. Elliot was appointed Superintendent of Khalsa Records on a salary of Rs. 1,200 per month. His letter of instructions is dated 14th January, 1775.

From the formation of the Board of Revenue on the 13th October, 1772, till the date by which all the Provincial Councils had assembled, that is, about the middle of 1774, the Revenue Board or Council dealt direct with the local officers, and no definite intermediate revenue authority existed. During the period of the Provincial Councils, that is, down to 1781, the correspondence was with these bodies. The proceedings as a matter of course changed their name with the establishment, by the Regulating Act, of the Governor-General and Council in 1774 when Parliament sent out three new members of Council, General Clavering, Colonel Monson, and Philip Francis, who were not servants of the Company and who formed the opposition.

When the settlement which had been made in 1772 for five years approached its termination, preparations became necessary for the formation of a new one. To obtain accurate information as to the real nature of the land and for compiling and collecting the accounts of the past collections, digesting the materials furnished by the Provincial Councils and Dewans, and issuing orders for special accounts, etc., a temporary office was instituted at the end of 1776. It consisted of three of the most experienced civil servants, Anderson, Croftes and Bogle, who were armed with authority to select and depute Indian agents (amins) into each district for the purpose of entering on a minute local scrutiny of the accounts kept in each village, and of whatever else might best enable them to pursue the most exact information of the real produce or value of the lands. In 1777, the amins were required to repair, with the information they had obtained, to each of the Provincial Councils in succession, to whom orders and instructions were issued for forming a new settlement. A plan of annual settlements was adopted which worked for four years, till, on the 20th February, 1781, by certain regulations, the Provincial Councils were abolished, all the collections of the Provinces proposed to be brought down gradually to the Presidency, and the general charge of revenue affairs in the Province made over to a Committee of Revenue to consist of five senior servants of the Company. The members who actually sat at the first meeting of the new body were, D. Anderson, President, T. Shore, S. Charters and C. Croftes. The Committee in some measure relieved the Revenue Board consisting of the whole Council of smaller matters, but practically replaced the Provincial Councils as the intermediate body between the Council

and the districts. The Committee was "to be under the immediate inspection of, and with the opportunity of instant reference for inspection to, the Governor-General in Council." It corresponded direct with the district officers and also took over the revenue business of the office of the Superintendent of Khalsa Records, which was abolished at the same time as the Provincial Councils. The other side of the duties of the Superintendent,—that of preparing reports on petitions—was, however, continued, and the office of "Preparer of Reports for the Revenue Department," who still headed his letters "at a Khalsa," was constituted. The new Committee was asked to propose a plan for the settlement of the revenue; and on the 29th March, 1781, it submitted its proposals which the Supreme Government accepted. The settlements continued to be for one year only. The Government, however, deeming it an official inconsistency that he who was to collect under the settlement should have any part in the formation of it, required the Committee to make the settlement by deputation on the spot, subject to the final decision of the Government in all cases where they could not themselves conclude it; and they were directed at the same time to encourage the practice of paying the rent into the Khalsa at the Presidency instead of the Provincial treasuries.

Though the Provincial Councils were withdrawn, the President of each was to remain officiating as Collector under the Committee of Revenue until further orders, as likewise the Collectors who had been separately stationed in some of the frontier and least civilised districts. The record office, with some modifications, was placed under the Committee. A commission on the revenue realised was allowed and distributed among the

members of the Committee; and the European officers attached to it, were bound by oath to restrict themselves to the avowed official allowance. George Francis Grand* was constituted Collector of Tirhoot in 1782.

In 1784, Parliament passed the Act of the 24th of His Majesty George III. "for the better regulation and management of the affairs of the East India Company," by the 39th section of which, the Company was commanded "to inquire into the alleged grievances of the landholders, and if founded in truth, to afford them redress, and to establish permanent rules for the settlement and collection of the revenue and for the administration of justice, founded on the ancient laws and local usages of the country." In the same year, the Governor-General in Council constituted a commission of inquiry to investigate and report on the causes of disturbances at Rangpur and Dinajpur, and the charges exhibited against Raja Deby Singh during his farm of the district in 1782. Goodlad was in charge of the district prior to the disturbances, and Paterson who had originally been making the enquiries was charged in no measured terms with being equally responsible with Raja Deby Singh for the troubles.

The Committee of Revenue of 1781 sat for the last time on the 28th May, 1786, when it was superseded by the Board of Revenue. This Board was to consist of a junior member of Council and five senior servants of the Company. To it were delegated all powers in ordinary matters of the Governor-General in Council sitting as a Revenue Authority, subject to the general control of the Governor-General in Council. The Board had entire control over the whole of the Bengal Presidency as then constituted. It first met on the

* Mrs. Grand afterwards became Princess Talleyrand.

3rd July, 1786, when the names of the following members appear, though all were not present :—John Stables, President, Messrs. Mackenzie, Johnson, Cooper, Graham, and Evelyn. The authority and functions of the Committee were, however, continued, subject to some little variations. The European Civil Servants were, each of them, vested with powers of Collector, Judge and Magistrate, while the members of the Board were under the restraint of an oath. Besides its ordinary functions, the Board was a Court of Review and of Appeal from decisions of Collectors acting in their capacity of judges of Adalut. It exercised direct control over the Collectors to whom were subordinatel Tahsildars who were posted in a few instances where the extent of the district or its requirements rendered assistance necessary to the European Collectors. Their functions in Bengal and Behar were limited to the receipt of revenue.

Lord Cornwallis arrived in India in the autumn of 1786. He was selected to carry out the policy defined by the Act of the 24th of George III. referred to above. He had with him as fellow-passenger the distinguished revenue officer, Mr. Shore (afterwards Lord Teignmouth), who had been appointed a member of the Supreme Council. "Thus," observes Kaye, "the best revenue officer in India was his fellow-passenger on board the *Swallow;* and it may be presumed that, from his conversation with Shore, he derived at least some general idea of a subject of such pressing importance. His first lessons in Indian revenue were, doubtless, learnt during his passage to Bengal." Cornwallis, however, was furnished with detailed instructions from the Court of Directors in a letter dated 12th April, 1786. By a letter of the Revenue Board of the 27th April, T. Henckell was appointed Collector of Jessore.

Cornwallis continued for some time the practice of annual settlements, and with a view to changing the system, caused interrogatories to issue to experienced officers by which the requisite information might be collected. He began by annulling the judicial power of the revenue officers on the ground that the latter might not be wholly disinterested in deciding revenue suits. In 1788, W. Douglas was deputed as special Commissioner to Dacca to make enquiries into the causes of the arrears of revenue for that year. He submitted his report on the 28th October, 1789. After completing his enquiry, he remained on as Collector of the District. At this time, Mr. Shore thus described in his famous minute of the 18th June, 1789, the intermediate revenue agency: "The ryots who cultivate the soil pay their rent to a Mundel (head ryot) or Gomastah (agent) of which each village has one or more, according to its extent. 2nd. The Mundel pays his rent to a renter of two or three villages. 3rd. The renter pays to the farmer of division comprehending many villages. 4th. The farmer of a division pays to the farmer of a pergannah. 5th. The farmer of a pergannah pays to the zemindar. And 6th. The zemindar carries his rent to the office of the Government."

In September, 1789, the terms of the new decennial settlement were announced, and the assurance of a perpetual settlement was also given, against the wishes of Shore. The proclamation announcing the granting of permanent settlement was issued on the 22nd March, 1793. By a letter of the Governor-General in Council, dated 20th August, 1790, the Board of Revenue was constituted a Court of Wards, and proceedings relating to Sayar and other duties were directed to be opened. E. Dandridge was deputed in 1791 to make a *batwara* of pergannah "Bhelluah" in Chittagong.

Regulation VIII. of 1793 abolished the office of Canungoes while retaining the village accountant or patwari. To supply the want, a quinquennial register of changes of landed property and other local circumstances was established and ordered to be kept by Indian officers under the superintendence of the Collector of each district, with translations of the same in the English language. Provision appears to have been made for verifying the leaves of the register by the signature of the Judge of the district and by other means. The Canungoes were revived by Regulation VI. of 1808.

In the same year that the permanent settlement was decreed, opium, on the 29th March, and the control of customs, on the 9th August, were made over from the Revenue Board to the Board of Trade established in November 1774, superseding the Committee of Commerce of March 1771. The post of opium agent was created in 1797. The following were some of the revenue officers in 1799:—Rickets, Tirhoot; Elphinstone, Sarun; Cowell, Birbhum; Smith, Dinagepur; Wright, Rangpur; Seton, Krishnagar; LeGros, Mymensingh; Hayes, Murshidabad; Grant, Midnapur; Brook, Shahabad.

Lord Cornwallis left India after steadying the vessel, and the system introduced by him underwent only slight modifications in later years under his successors. All through the administrations of Teignmouth, Wellesley, Barlow, Minto, Hastings, Amherst, Bentinck, Metcalfe, Auckland, Ellenborough, Hardinge, and Dalhousie, down to recent times, the changes have been few and far between. We shall enumerate them in brief in a chronological order up to 1854 since when the system has remained practically unchanged.

1803—The Board, on the 19th April, decided to open a separate series of proceedings volumes to deal

with the business relating to the lands of invalids and their claims which had been made over to them by the Governor-General in Council.

1807—By Regulation X. of 1807, a commission for the settlement of the ceded and conquered provinces on the Upper Ganges was constituted consisting of two members who received the powers of the Board of Revenue to make a settlement and supervise the Collectors of those Provinces. This Board of Commissioners was, in 1809, by Regulation I. of that year, declared permanent, and all the powers of the Board of Revenue in respect of their jurisdiction transferred to them.

1813—About the middle of this year, an enquiry was made into the conduct of Major Mowat in connection with the alleged sale of an English house to H. H. the Nawab Nazim for one lakh of rupees.

1815—A redistribution of the work of the Governor-General in Council was made, and by the proceedings of the Council in the Public Department of the 24th November, a Secretary to the Government in the Territorial Department was created, which department was to comprehend the Financial and Revenue Branches, including, under the latter head, the salt and opium business done up to that date by the Secretary to the Government in the Public Department.

1816—By virtue of Regulation I., the Board of Revenue's jurisdiction was further curtailed and a Commissioner was appointed for the superintendence of the revenues of the Province of Benares and that portion of Behar comprised in the zillahs of Behar and Shahabad, Sarun and Tirhoot. The Commissioner was John Dane, and his first proceedings are dated the 1st February, 1816. He replaced the Revenue Board as regards the places mentioned above. In 1817, his authority was

extended to the districts of Rangpur, Bhagulpur and Purnea. At the end of this year, another Commissioner was added, and the Board thus formed was called "The Board of Commissioners for Behar and Benares." The Board first met on the 1st January, 1818, when Richard Rock and E. S. Waring were present.

1820—By a letter from the Governor-General, dated 25th February, the Post Office Department was placed under the Board of Revenue.

1822—By Regulation III., considerable changes were effected. Regarding Bengal, the Calcutta Board resumed charge of the districts of Bhagulpur and Purnea. The Board of Commissioners, Behar and Benares, was deprived of their jurisdiction in Bhagulpur and Purnea, and with the additions of N. and S. Bundelkhund and the districts of Allahabad and Cawnpur, it changed its designation to that of the Board of Revenue, Central Provinces. The Board first met on 3rd May, 1822, when C. F. Fergusson and Henry Newnham sat as officiating members. The Calcutta Board was named Board of Revenue, Lower Provinces, and Provincial Boards also were created. In the same year, Mr. John Ahmuty, Senior Judge of Dacca, was put on duty, on the 20th March, as Commissioner, to enquire into charges of embezzlement in the household of the Nawab of Bengal at Murshidabad. The Governor-General in Council disposed of the matter on the 24th August.

1829—By Regulation I., the Provincial Boards created in 1822 were abolished, and the control of Revenue officers was placed under the Sadr Board at Calcutta. This body first met on the 2nd June, and consisted of I. Pottle, W. Blunt, and F. Hawkins. It was in this year also that, by the Regulation I., Divisional Commissioners were created.

Lord Bentinck introduced many changes in the revenue and other administrations. He abolished the provincial courts of circuit established by Cornwallis, the Collectors were placed under the control of the Divisional Commissioners, the Civil Judge of a district was invested with criminal powers as a Sessions Judge, and Indian Subordinate Judges were created. The Revenue Commissioners were turned into Judges of Circuit. "They were to superintend both the finance and the criminal justice of their different divisions. They were to look after the Company's coin, and they were to sit in judgment upon gang-robberies—a blending of Somerset House and the Old Bailey." The plan, however, failed, and the duties of Sessions Judges were transferred to Civil Judges, as stated before. The headquarters of the Commissioners was at Alipur.

1834—The renewal of the last Charter of the East India Company in 1833 necessitated the introduction of certain administrative changes. The change of the Governor-General of Bengal in Council to the Governor-General of India in Council in 1834 marks the end of the Territorial proceedings. The Governor-General of India in Council then ruled Bengal without a Council. The change to a Lieutenant-Governor involved another change.

1851—The present Board of Revenue, Lower Provinces, met for the first time on the 7th January, 1851.

1854—The proceedings of the Lieutenant-Governor of Bengal in the Revenue Department commenced in this year on the 4th May.

J. L. CHATTERJI.

CRITICAL NOTICES.

THE NEW EDITION OF DR. BUSTEED'S "ECHOES FROM OLD CALCUTTA."

IN 1882 Messrs. Thacker, Spink published a volume of 304 pages entitled *Echoes from Old Calcutta, being chiefly Reminiscences of the Days of Warren Hastings, Francis and Impey* by H. E. Busteed. The volume, which was not illustrated, was made up of articles contributed from time to time to the *Englishman* and reproduced "with but little change from their ephemeral garb." The article of Madame Grand, however, was a new piece of work. In the present month the same publishers give us a fourth edition of Dr. Busteed's work. At a modest computation the new volume contains at least three times the amount of reading matter, and it is lavishly illustrated with portrait, maps and views. That Dr. Busteed's book has held its own is not due to the bare fact of the great interest of our Indian Capital, nor to the absence of other and able workers in the same field of research, but to its pre-eminent literary excellence. Books of this kind, which grow from edition to edition, so often bear the tokens of patchwork: they lose their pattern, and betray the seams: but Dr. Busteed's *Echoes* remain, despite the many added paragraphs, a fine piece of literary work—a volume not to be treated as a work of reference, but to be read through from first page to last. The *Echoes* are, of course, what they profess to be. Dr. Busteed does not profess to give us a systematic history of Calcutta, and, even within the limits of the period he has made peculiarly his own, there is many a subject of interest and importance which he has, in the necessity of things, left untouched. Lord Curzon, in an introductory letter, uses the only epithet which can at all adequately characterise this new edition: the work is "delightful." We do not know whether higher praise could be offered to either Monsieur G. Lenotre or Dr. Busteed than this: the *Vieilles Maisons Vieux Papiers* of the French writer and the

Echoes of our old friend have a place of honour of their own in modern literature.

Several of the subjects dealt with by Dr. Busteed have, during the last few years, been almost exhaustively dealt with by other historians. The subject of Old Fort William and its downfall, for instance, has been discussed in two solid volumes by the late Dr. C. R. Wilson, and in three by Mr. S. C. Hill. The letters of Warren Hastings to his wife (Chapter X of the *Echoes*) have been edited by that talented lady who writes under the pseudonym of "Sydney Grier," and the amount of brographical and topographical information packed up in Sydney Grier's notes has not as yet been done justice to by students of our local history. In an appendix Dr. Busteed, in a "Note on the Site of the Black Hole," shows us not only that he has kept fully informed of the special research work undertaken by Dr Wilson, but is in a position to criticise it on some material points. It is a matter for much congratulation that Dr. Busteed should have had the opportunity of strengthening his chapter on the Black Hole by references to the recent volumes of Messrs. S. C. Hill and C. R. Wilson: the critical delicacy aud masterly touch with which Dr. Busteed deals with the copious and almost overwhelming supply of recently published documents are things which could alone be supplied by the Doctor himself. The literary genius which produced the *Echoes* is even more obvious in their expansion and enrichment. We trust that we may not be held guilty of an impertinence if we venture to say that there is nothing in this new edition which would make one realise the fact that the author retired from Indian Service more than twenty-two years ago. A splendid memory, vigorous powers of judgment, perfect familiarity with even the most recent literature, and an unfailing sense of proportion, are in the fullest evidence in this new edition. No one but Busteed could have edited Busteed in so masterly a manner. That in his seventy-fifth year he should be able to undertake so arduous a task with an enthusiasm that is boyish in its liveliness, with a maturity that has not passed its prime, and with memories which were always kindly is a matter for general congratulation.

Of the illustrations added since the third edition, the most interesting perhaps is Madame de Brun's portrait of Madame Grand. It may, perhaps, be worth while to mention here that the number of *Bengal: Past and Present* for July last contained much recently recovered information concerning the Werlée family to which this beauteous adventuress belonged. Among the new illustrations, we may note portraits of General Clavering and his eldest daughter (whom Colonel T. D. Pearse described as "divine,") of Thos. Lewin, Suraj-ud-Daula, Colonel Watson, and a *silhouette* of the Hon. George Monson. A useful map of Calcutta in 1756 is added, and a picture of the Old Fort, which, however, we think errs in placing the Great Tank too far to the south.

On the subject of Hastings and his Marian Dr. Busteed seems to have modified his views. In the third edition of the *Echoes*, our author wrote "Whether Hastings' love was 'patient of delay,' as has been alleged, is perhaps open to question." He now writes: "On reflection I now think I was not justified in saying so much. It is due to the character of Hastings and of Mrs. Hastings to hold them free (as Sir C. Lawson in his *Private Life of Hastings* most fairly argues) from any reproach which even the gossiping society of Calcutta never, so far as we know, visited them." Dr. Busteed adds to his book an appendix in which this subject is discussed. We notice that the Doctor does not accept Miss "Sydney C. Grier's" interpretation of a well-known passage in one of Macpherson's letters. It may be said that the whole subject of the connection of Anna Maria Appolia Chapusetin with the Baron Carl Von Imhoff remains still very mysterious. Dr. Busteed points out that we do not know when or where she was married to the Baron, by what particular court the divorce was effected, how it was that the Baron was free to form another matrimonial alliance in 1775, while Mrs. Imhoff was not free till 1777, and finally why she (a mother of a family) was married to Hastings under her maiden name. It may be noted that our author disposes of yet another argument put forward by "Sydney C. Grier." That lady writes: "It is worth while noticing that Imhoff and his wife left Madras for Bengal.

more than a year before there was any prospect of Hastings being transferred thither. He was not appointed Governor till the very end of 1771." Against this we must now set Dr. Busteed's words "When he (the Baron) went to Calcutta, Baroness Imhoff remained behind at Madras, 'and lived in Mr. Hastings' house on the Mount chiefly I believe' (wrote Dr. Handcock). But she followed her husband within a year, arriving in Calcutta in October 1771." It is not perhaps generally known that Imhoff was deported from Calcutta, in accordance with the orders of the Court of Directors, in January 1772. The Court judged him guilty "of an artful and deliberate design to impose on the Company" in refusing to take up his cadetship at Madras.

The portion of the book which has received the greatest amount of new matter is the chapter on Mrs. Grand—the future wife of Talleyrand. Dr. Busteed has now completely overthrown the story of that adventuress' voyage from Calcutta under the care of William Mackintosh, and has cleared up many points which were exceedingly obscure by reference to the archives of the Lewin family. The trouble to which our author has gone to complete his information must have been prodigious. We find him consulting the British Ambassador at Madrid, the record keepers at the Cape, Cadiz, and the Hague, and also that veteran historian Dr. G. McCall Theal of South Africa. The account of the closing days of Sir Philip Francis is also considerably enriched.

Another new appendix deals with the famous couplet.—

Ghore pâr howdah, hâthi pâr zeen,
Jeldi bhag gya, Warren Hasteen.

Dr. Busteed without any difficulty shows that "the circumstances of the move to Chunar leave no ground for the applicability of these lines to it," and he seems to favour the theory that the jingle refers to an occurrence in the Mahratta campaign of 1804, in which case we should substitute "Kulnel Munseen" for "Warren Hasteen" Miss Kathleen Blechynden, however, writes: "The oft-quoted rhyme 'Ghora pur howda, hathi pur ghin,' which has so often been said to have had reference to Warren Hastings' hurried retreat from Benares to Chunar,

appears to have had a much earlier origin in connection with the fall of Calcutta and to have run—

Hathi pur howda, ghora pur ghin
Killa moorcha pur dhunka
Calcutta lia chin.

which may be translated—

'Howda on elephant, saddle on horse
On fort bastion the war drum
Snatched Calcutta by force.'

In Appendix No. IV., Dr. Busteed gives us his view of Hastings and Impey in relation to the trial of Nuncomar. Even those to whom the manifest advocacy of Beveridge's *The Trial of Nanda Kumar* is distasteful will be pleased to see full recognition paid here to that writer's 'surprising research and a successful diligence in tracing out the antecedents and surroundings of many of the actors in the drama.' Nothing that comes from Mr. Beveridge's pen can be safely overlooked by students of our history in Bengal: his knowledge of the country and its people and of the old documents is immense. We shall not enter into the old controversy in this place. The present need we venture to think is not advocacy, but the careful reproduction of the evidence. Many of the most pertinent documents have never been published, and of these not a few escaped the attention of both Sir J. FitzJames Stephen and Mr. Beveridge. It is a disappointment to learn that the Calcutta Historical Society considered favourably a proposal to bring out a volume of Nuncomar documents, including the reports of the Trial, but were in the end deterred by the expense. Dr. Busteed has a theory to propose. 'Supposing for arguments' sake,' he writes, 'a' mover in the business to be necessary, why should not this be Durham, the Company's lawyer? Captain Price says *he was* the man who set the ball rolling (apparently towards the end of April). Price says he did so to squeeze money out of the Rajah, 'on the idea that he should be able to quash the evidence.' But Durham is known to have been a friend of Hastings; is it violently improbable that on finding a good opportunity of discrediting Hastings' accuser, he made use of it—with a vengeance. A lawyer would know the full value of carrying the war

into the enemy's country, and how to do it at the right time ; and he would take good care to work in such a manner that even the Governor-General should not know who the *Deus ex machina* was." It may be of interest to state here that Hercules Durham on 16th January, 1775, resigned his commission as an Ensign in the Company's service, the Supreme Court having consented to admit him as an advocate. On 19th January he was appointed the Company's Attorney. Strangely enough he wrote, on 20th March, to resign his office as Attorney to the Company.

Of the judges who tried Nuncomar, our author gives us some new information concerning Lemaistre—or rather concerning Mrs. LeMaistre. "His wife who did not, I believe, accompany him to India, was Mary, daughter of James Roche, of Dublin, and sister of 'the celebrated Captain D. Roche' (for what he was celebrated I have not found), but she also was 'celebrated for her charms and elegance of manners.' So described even still in the catalogues of rare engravings." Captain Roche's celebrity was not an enviable one. He stood his trial for the murder of Captain John Fergusson at the Cape three times over, and his final acquittal caused something akin to a sensation. A good deal about Captain Roche may be found in Captain P. D. Stanhope's *Original Letters of Asiaticus*, a book which is at present exceedingly rare, but which will very shortly be republished in Calcutta. The story of the duel (if it can be honoured by that name, for there were no seconds) is told by Mr. Henry Morris in his *Life of Charles Grant*, but Mr. Morris was probably unaware of the fact that the document, at the Imperial Record Department at Calcutta shows that, if Captain Roche is to be credited, Charles Grant was deeply implicated in the attack on Roche which led to Fergusson's death. Of Lemaistre it may here be recorded that he was, like Hercules Durham, a distingushed Freemason. His tomb in the South Park Street Cemetery can be identified: it has never borne an inscription, but the Historical Society will doubtless see that that want is supplied.

On p. 159, our author refers to the lease of Mr. Barwell's house "taken for five years by his own vote at 31,720 current rupees per annum," and adds that the house so called was

Writers' Buildings," now the Bengal Government offices. The present writer is of the opinion that the house in question was Barwell's garden house, *i.e.*, Kidderpore house.* The lease was taken for the supposed benefit of Sir Eyre Coote and in his absence from Calcutta. In the first number of *Bengal: Past and Present* the lady who writes under the pseudonym of "E. M. Drummond" told us a good deal about the "north side of Tank Place," and we shall very shortly hear more from her on the story of Barwell's transactions in land property. In the Chronology on p. 61 we read "1777, Aug. 5. Warren Hastings marries Mrs. Imhoff (*née* Chapusetin) at Calcutta." The marriage actually took place in a private house at Hughli. On p. 412 the Doctor writes: "Motijeal, seven miles from Berhampore"—the Lake of Pearls at Murshidabad, the Moti Jheel, would be more readily apprehended.

On page 60 of the first edition, our author told us that the prison in which Nuncomar was confined was "in Lall Bazar, opposite the Harmonicon tavern." This old jail had played an important part in the siege of 1756. It is rather difficult to say whether Dr. Busteed still holds that it was the place of Nuncomar's confinement. What are the facts?

Old Calcutta had two jails: one in the Lall Bazar, the jail proper for convicted felons and debtors, and one in the Burra Bazar, the House of Correction (Hurrinbari as the natives called it) for petty offenders. A letter from the Board to the Court of Directors shows that the present (Birjee) jail was commenced in the year 1778.† In the Original Consultations of the Government for 1st February 1781 are to be found—

(1). "List of Frenchmen to be confined in the upper apartment of the building *lately* erected for a jail.‡

* Dr. Busteed in this matter follows Stendale (*History of the Calcutta Collectorate*, p. 20.) The present writer, however, has seen the original document relating to the transaction in which Barwell voted for the lease of Kidderpore House, and Francis' minute on the subject.

† In *Hicky's Gazette*, April 1781, we find a reference to a house "built for a common jail through hitherto not used as such."

‡ Among the prisoners to be confined in the upper apartment was Pierre Jean Wellée (he spells his name Virifée), the aged father of Mrs. Grand, the future Princess de Talleyrand. An article on P. J. Wellée will appear in the January number of *Bengal: Past and Present*.

(2). List of Frenchmen who are to be confined in the lower rooms of the building *lately* erected for a jail.

(3). Establishment for a *new* jail.

The Original Consultations for 13th March provide similar lists, and show that a number of French prisoners had been sent to the new jail from Chandernagore. We also find a copy of a petition from the French captives in the lower apartments of the jail, representing the impossibility of living on the subsistence allowance ordered for them. From time to time in 1781 we meet with reports on the state of the health of the French prisoners drawn up by the Surgeon of the new prison—Mr. Charles Allen. On 4th November, we find Mr. A. Maloney Commissioner at Chandernagore, had released all the French prisoners on Parole, and therefore inquiring whether or no the keeper of the new prison is to be dismissed. On 6th April 1782 there is a "letter from Mr. J. Hare, Sheriff, reporting that he has been ordered by the Supreme Court to remove the prisoners from the old gaol to the new one, but that he has refrained from doing so as the new gaol is not secure enough for the custody of the prisoners, suggesting that a large wall be built round the new gaol to prevent the escape of prisoners, and requesting that the wall of the Harranbarry, or House of Correction, may also be repaired." On the 17th February 1783, Mr. Jeremiah Church, Sheriff of Calcutta, writes for orders for the removal of prisoners to the new jail after it has been properly whitewashed. In August, 1783, the truculent father of Calcutta journalism, J. A. Hicky, who "had already been two years in jail," sent a petition to the "High Court from "the Birjee Jail," *i.e.*, the present prison on the Maidán. It may be said with confidence that Nuncomar was not confined in the Birjee Jail.

The Index, which, however, omits some important headings, is a great gain to the book.

WALTER K. FIRMINGER.

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